MTC–00032329

From: John Hatch
To: Ms. Renata Hesse
Date: 12/14/01 10:33am
Subject: Microsoft Settlement
John Hatch
3105 Sea View Court
Las Vegas, NV 89117
December 14, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John Hatch

MTC–00032330

From: Cleburne Medlock
To: DOJvsMS
Date: 12/14/01 12:18pm
Subject: Microsoft Settlement

Sirs:

First, allow me to introduce myself briefly. I, C. W. Medlock, have worked in the ''Software'' field in a professional capacity for more than 47 years. (My first course in ''programming'' was taken in 1950 at Purdue University.) I have worked at such stalwarts of this industry as IBM (1960–1966), NCR (1975–1977), etc. At IBM, I was one of the six Architects of IBM's Operating System 360 (''OS/360''), one of the world's first true Operating Systems (1963–64). Also at IBM (1963), I was one of the six members of the joint IBM/SHARE (a users group) team that developed the advanced Programming Language One (PL/I) Although the latter language has fallen into disuse due to more modern advances in such ''standard'', non?-proprietary languages a COBOL, PL/I indeed was a most powerful language (for both scientific and business computing) that I believe set the stage for the more modern versions of COBOL and other more modern scientific computing languages.

I, from 1982 to 1999, was proprietor of my own software ''home-business'' Pro/Am Software, where I developed and marketed worldwide several software ''tools'' for use by the programmer. It was here, as a ''lone survivor'' of a great group of Information Age professionals, that I first encountered the threats laid down by Microsoft's failure to disclose much-needed facts that would allow entrepreneurs such as myself to develop tools that would directly or indirectly interface with their ''Windows'' Operating System. (This does NOT mean that I necessarily would have required the source code of Windows, but only a FULL disclosure of Microsoft's file formats, OS interfaces, details of invoking OS functions, etc. This should include such disclosure of these interfaces for all of Microsoft's other products which interface with Windows, as competitors and other users have a need for this information just as well.) A case might easily be made by Microsoft that they should have the full protection of their intellectual property such as source code, where distribution of same would allow many other (foreign?) businesses to easily make copies of same, and, via suitable modifications, each apply their own ''Trademarks'', ''Copyright'' notifications, etc. However, I cannot imagine a case in any court where it could be argued that it would be harmful to a legitimate, non-monopolistic business for them to disclose FULLY the interfaces needed by ALL users (developers and ordinary users alike) to fully use and expand all features of Windows and all of it's associated Microsoft Products! (I can quote more than a few examples of where I and other developers were not able to obtain needed information about files and other data formats that were needed to allow us to develop products which would enlarge the capabilities of the Windows operating system, thereby seemingly even strengthening its place in the market.) Such a relatively ''open architecture'' has indeed been the norm with such stalwart operating-system providers as IBM, etc. (After all, the original IBM Personal Computer had even it's Hardware and Software totally in the public domain. Microsoft should at the very least provide the ''circuit diagram'' of their software, so that it could even be repaired more easily, including making expansions and improvements thereto!)

The provisions in any Settlement with Microsoft should NOT be limited to the interfaces with their Windows operating system, but should indeed include ALL interfaces (direct or indirect) with ANY Microsoft product. This is much needed by developers and many consumers, as well!

I would like to help put Microsoft in its proper place in the Software World, and see that the DOJ indeed does not ''sell out'' to MS!

Most sincerely,
C.W.. Medlock

MTC–00032331

From: Jody Ausley
To: Ms. Renata Hesse
Date: 12/14/01 12:56pm
Subject: Microsoft Settlement
Jody Ausley
PO Box 780282
San Antonio, tx 78278
December 14, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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