MTC–00016173

From: Sage Major
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Hello

I am a software engineer in San Diego California. And as such I am very much involved with computers. What I have recently heard about the Governments choice to settle the Anti trust case against Microsoft is disheartening. I expected that the government would take put the consumers who have been harmed by Microsoft first. In the last 5 years I have purchased 8 new computers, each one came with a Microsoft operating system, of those 8 I still use 3, but only 1 is running a Microsoft OS, OS as part of their bundling requirements I effectively purchased 8 copies of the same software to run on one computer. I believe that as part of their settlement Microsoft should be required to follow open standards prevented by law from extending those standards in a closed fashion. For example, the Keberos spec, which they embraced then changed so that their OS'' would not inter operate properly with other operating systems such as Solaris and Linux. They should also be required to open their standards for many of their products such as the networking so that SAMBA can be made to work properly with windows.

Also I feel that Microsoft should be required to open the source of the operating systems they are no longer supporting, thus allowing anyone to fix the problems that Microsoft will no longer fix, I am not suggesting that they give away their current or previous OS (XP and 2000/ME) but rather that they open windows 95, 98 and NT which they no longer support.

Respectfully
Sage Major
Sage Major Software Engineer
Email: smajor@vertel.com
web: http://www.vertel.com
Phone: (858) 824–4158
Mail: 5825 Oberlin Drive suite 300
San Diego CA, 92121

MTC–00016174

From: Keith Hudson
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I believe that what is going on is shameful. I do not see the place for politics in legal matters.

Fact: Microsoft has hurt people. They have hurt you and have hurt me. Was this law suit brought forth on legit reasons? Or was it just to find a temporary source of revenue?

I get the feeling it is like the lawsuit brought against the tobacco companies. We now have a legal to sell class 1 carcinogen, which requires no licensing to purchase. Why because people do not matter even when the issue is cancer and death. What matters is money (note 1). So given that Microsoft only hurt people and no one actually died... I expect this to end up just the same.

I want Justice. Will I get some???

I can guess the answer...No.

Microsoft owns you.

Keith Hudson
(Registered Voter)

note1: Some people have referred that the ill effects of lost economy/jobs to certain areas are reason enough to maintain the tobacco industry. I stand affirmed that the people and economy of tobacco is smaller then the population dying from it.

MTC–00016175

From: Chris Vargas
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

I'm writing to express my strong concern that the proposed settlement with Microsoft does not go far enough to punish Microsoft for proven monopolistic activities. Not only that, it actually includes wording that could threaten other operating systems'' existences, thereby strengthening Microsoft's monopoly.

In a recent column, industry expert Robert Cringely points out that Microsoft will not have to open its APIs to non-commercial entities; that could easily be seen as allowing Microsoft to lock out Linux and FreeBSD developers from allowing access to Microsoft servers via a tool called Samba. This same tool allows my Macintosh to access Microsoft servers; it could easily be locked out if this settlement goes through. Everyone in the computer industry knows that Microsoft takes advantage of its monopolistic position on a daily basis. We hoped that the remedies would try to reign Microsoft in. These remedies do not do so, and in fact set up the possibility of killing off one of the best non-Microsoft OSes currently available.

Christopher Vargas
2205 N Pollard St
Arlington VA 22207–3813

MTC–00016176

From: Miles Pickering
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. My main objection is that the settlement lacks sufficient enforcement provisions and is an invitation to further legal proceedings that could take decades to resolve. A three person team is hardly sufficient to monitor the activities of a multi thousand person organization.

There are many other objections that I have, but that is the simplest.

Thank you,
Miles Pickering
851 Florida St.
San Francisco, CA 94110
www.4by6.com

MTC–00016177

From: Robert L. Scala
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Dear Justice Department,

I believe that the proposed Microsoft Settlement falls short of its goal of restoring comptition to the operating systems and middleware markets. I have been a software engineer for 22 years, and have watched this nascent industry go through many changes. One of the distressing developments is software vendors'' use of their products as agents to influence customers'' future purchases. This is similar but not identical to electric razors working better with ''compatible'' razor blades, thus influencing future purchases. The difference is that while other companies can easily produce competing razor blades, software is so complex that producing a compatible product can be impossible.

I have been frustrated by the proprietary protocols of many software products produced by many companies over the years, not just Microsoft. But those products were all vulnerable to competing products that sold both razor and blade. But with Microsoft's monopoly on operating systems and office software, effective competition is impossible. If microsoft makes a better razor, that's fine, as long as others can compete to make a better blade.

The problem I see with the proposed settlement is that in some ways it also acts as an agent to ensure that customers purchase more Microsoft products. This may sould like a bit of a stretch, but the fine print may grant Microsoft broad powers, such as certifying the authenticity and vitality of a competitor (III.J.2.c) before providing that competitor with information required in other sections of the agreement.

This settlement stinks. Like the Trojan Horse, it looks good on the outside, but the details make it ineffective, and give Microsoft some powers it did not have in the first place. It's time that the software I buy stops working against me. That's what I hoped from this agreement. The whole agreement needs to be tightened up. In particular: P.III.A This section should include a prohibition against retaliation against OEMs that supply a single non-Microsoft operating system on their products. As a customer, I would like the option to purchase a computer from a major vendor with a non-Microsoft operating system, without also purchasing Windows.

I believe that this section misses the mark because dual-boot machines are niche-market items and not a threat to Microsoft's operating systems monopoly. It is the single-boot, non-Microsoft machines that challenge this monopoly. P.III.J.1.a These exceptions should be eliminated, as true security does not depend on the obscurity of the protocols. Secure systems, and the trust of the general public, are better served by using only published and well documented encryption systems. P.III.J.2 This is the big one. This provides Microsoft the vehicle to withhold APIs and interoperability protocols from, for example, vendors of free software. Since recently Microsoft has declared Linux the single biggest threat to Windows, it is strange that Microsoft will be allowed to shut out this important segment of the competitive landscape.

I don't see any added burden to Microsoft if they are required to put the APIs and interoperability protocols in the public domain. That way their main rivals will be able to compete fairly in their effort to provide customers better software. And isn't this what the whole Settlement Agreement is all about? I know little about antitrust law, so I can't comment on the details of this antitrust case or the appropriateness of the

proposed remedy. But I know software, and I'm sure that if the goal of the proposed remedy is to restore competition to the software industry, it will fail.

Sincerely yours,
Rob Scala
Robert Scala
Scala Systems—custom software development
860–443–5702
http://www.scalasystems.com

MTC–00016178

From: Mark Shepard
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

To whom it may concern:

As a software engineer with over 10 years experience, I believe the Proposed Final Judgement should —NOT— be approved, for the following reason: The PFJ too narrowly defines ''API''. Undocumented APIs allow Microsoft to prevent third-parties from creating software for Windows. Instead, the PFJ should require this: Each time and in every case where Microsoft releases ANY ''object code'' to anyone or any group, Microsoft should also be required to release ANY AND ALL source-code which defines the INTERFACES the aforementioned ''object code'' depends on, requires and/or optionally is able to use. Further, this ''interface source-code'' (a.k.a. ''header files'') should be released under a license which allows unrestricted copying, re-publishing in any form, and use of the information by anyone, whether part of the original group to which Microsoft released it or not.

I believe the current definition of API is such a serious defect in the PFJ that it alone will negate the value of the entire PFJ.

Thank you.
Sincerely,
Mark Shepard
Software Engineering Consultant
Member IEEE and ACM
B.S. Computer Engineering
Dallas, TX
mns@ieee.org

MTC–00016179

From: damon.schmidt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

Problems with the Proposed FInal Judgment in summary:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux.

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

sincerely,
-Damon A. Schmidt

MTC–00016180

From: dan gavin
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

This settlement is an awful bad idea.

Not only are you letting Microsoft buy a verdict from their software, but now they are also begenning to try to monopolize even more markets with their closed API Windows Media format that DVD makers are starting to support.

All I ask, is that you please look into just what Microsoft is trying to do with their posistion with their market power to monopolize more than just software.

Thank you for your time.
Dan Gavin
339 North Ave.
Wood-Ridge, NJ 07075

MTC–00016181

From: Thomas Hays
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

Six word summary: The settlement is a bad idea.

Details:

I work for as a network administrator for a company that predominately uses Microsoft software for our business. We recently purchased Office XP and Windows XP Pro with some new Dell computers. The problem that I have with this is that resellers are calling me constantly (most recently to say the BSA is doing an audit in our area, and asking if I'm sure my company is legal?) and ''advising'' us to discard our OEM license and buy the ''real'' open license. Of course they want to sell us upgrade-assurance which is the first step in subscription based software.

Want another problem area? Look at the security mess we have to deal with concerning Outlook. It may look nice and be intuitive, but is it secure? Even after what 5 or 6 years of development, it's still not secure. Yet Outlook is the predominant email software in business because it comes ''bundled'' with several versions of Office. I believe it could be successfully argued that Netscape/Mozilla, Eudora, or Pegasus mail are all more secure, yet how many people use them. How many people even know there are other email software packages besides Outlook.

A final complaint, the push of passport. With Microsoft's terrific security record I'm really thrilled with the idea of all my logins and a considerable portion of my personal information being stored by them so I can access common financial packages like

Microsoft Money (the newest version nags you to set up a passport account) or Ebay and other web sites which are offering Passport logins.

What would help the consumer the most would be competition. Competition would drive us towards more affordable and better written software.

Thank you.

Thomas Hays

thomas@thays.com

MTC–00016182

From: Greg Wold
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I wish to add my voice to the chorus of those disappointed by and opposed to the proposed settlement with Microsoft Corp. for their proven anti-competitive practices. I find the proposed settlement to be inadequate, and hope that it will be thrown out. The current proposal provides for no substantive punishment for the proven, illegal activities carried out by Microsoft; it provides no effective constraints on Microsoft's future practices; and it provides no effective means of enforcement for it's provisions.

Sincerely,

Gregory R. Wold

96 Katie Dr.

Langhorne, PA 19047

MTC–00016183

From: Bill Dugan
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement

The settlement is a bad idea.

Bill Dugan

MTC–00016184

From: Eric Stechmann
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

In my opinion, the situation is precisely this:

Microsoft acted illegally. They knowingly and flagrantly violated US antitrust regulations. The company ''thumbed its nose'' at the laws of the United States. Justice demands that their punishment be swift and severe. Microsoft must be shown that such violations can not and will not be tolerated.

Sincerely,

Eric Stechmann

These opinions are mine and are not necessarily those of my employer.

MTC–00016185

From: Timothy Miller
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

Dear Department of Justice:

I wish to register my objection to the proposed settlement between Microsoft and the DOJ.

As capitalists, we recognize how vital it is that there be vigorous competition in every marketplace. Consider the competition between Intel and AMD. I suspect that without AMD, Intel would be putting more energy into maintaining its already huge market share, rather than putting that energy into improving their products. The result of the competition has been that Intel and AMD have been fighting tooth-and-nail to compete based on the QUALITY of their products, and everybody wins. Microsoft has no such competitor. There is no one who directly competes with Microsoft in the same market, so Microsoft gets comfortable and lazy and takes action only to maintain their position by precluding any other company from entering their market. Consider the recent events involving LindowsOS. Microsoft's primary concern is that since LindowsOS can run Windows software, it might compete with them, so they will find any excuse they can to tie their would-be competitor up in court so they can't function.

And that is the crux of the matter. Microsoft has been declared a monopoly, and they have been found to have acted anticompetitively. Desptite this, they continue to act as they always have.

The objective of the DOJ and the Court should be to protect competition, because competition is what benefits consumers and the economy. I have read the Proposed Settlement, and I, like everyone else I know, have found it to be filled with loopholes. It does nothing to repair any of the past damage that Microsoft has caused, and it does very little to prevent them from acting inappropriately in the future. In fact, it has wording that implicitly protects Microsoft from revealing trade secrets to Open Source developers. The Open Source movement is the one of the few thing that has been able to survive and grow against Microsoft in recent years, mostly because there's no one specific that can be sued into oblivion. I was very sad the day I read that the break-up order had been taken off the table by the Bush administration.

Honestly, I think the Proposed Settlement does more harm than good because it gives Microsoft license to continue their past behaviors with government sanction. The Settlement is not helpful to consumers and should be rejected.

Thank you.

Timothy Miller

MTC–00016186

From: Aaron Patterson
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Microsoft was found guilty of antitrust violations for using monopoly power to extend their influence into other markets. Leaving Microsoft intact with windows, office, internet explorer, and the ability to continue bundling, continue unfair pricing, and continue creating undocumented APIs in the name of security will not bring competition into these markets. Creating a settlement that relies on further protracted litigation to correct future transgressions will not provide just, expedient results.

If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Aaron Patterson

130 W Gilman Apt 1

Madison WI 53703

MTC–00016187

From: Bill Dugan
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

The Microsoft settlement is a bad idea.

bdugan.

MTC–00016188

From: kiez@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

To Whom It May Concern...

I'm wondering when the law stopped being about doing right and achieving justice and instead turned to ''settling''. Especially settling with —Microsoft—, a known and repeat offender which has shown nothing but contempt (when it has cared at all) for the ongoing litigation against it. Since when do law-breakers have to agree to their punishment?

Microsoft corp is guilty of the premeditated bludgeoning Netscape corp to a bloody pulp (with a killer app). Or, from another point of view, the Mafia is guilty of ''anti-competitive behavior''. The remedy for this Microsoft situation and the ongoing situation (try uninstalling Windows Media Player or Windows Movie Maker from Windows XP—I certainly can't figure out how) shouldn't involve Microsoft agreeing to it [I've not seen them admit any guilt] or rely on Microsoft changing internal behavior to abide by it [see also ''consent decree''].

But also consider:

1) All current Microsoft sales contracts to OEMs are null and void. Microsoft must write a new, open contract that anybody can take advantage of to purchase any software that Microsoft makes avaialble in an OEM fashion. Volume discounts not allowed as—according to them—there are no barriers to entry in the software market, ergo minimal distribution costs in the OEM channel, therefore nothing to discount. (Dell will be charged the same amount for a Windows license as the corner parts shop down the road.)

2) Prior to releasing a version of Windows, Microsoft must submit its entire source code to a government compliance committee. If

said committee cannot make the code compile in a way that makes it look the same as the ''gold'' Windows code, the Windows product cannot be released. Further, committee will be allowed to freely redistribute their findings about the current state of Windows interfaces (APIs) as a standard to allow other people to adopt the Windows standard. (Or is it ''embrace and extend'' the Windows standard? Anyway, the difference with this suggestion is that Microsoft isn't allowed to sell a new version of Windows until the APIs are in the public domain so compliance will be rather less of an issue.)

3) Just as a side suggestion, the fees Microsoft charges for support can never be more expensive than what Microsoft charged for a specific application. For example, if Outlook Express (free, bundled with Windows, haven't figured out how to uninstall it—but the splash screen says Outlook Express, not Windows XP) is giving you problems, you can get support for it for free. Windows is giving you problems? Support costs are maxxed out at the OEM price of Windows. This would give Microsoft an incentive to deal quickly and directly with consumers in a manner that rapidly resolves the consumers'' problems—as opposed to telling them to ask their hardware vendor. (Really, what does Dell know about Outlook Express?)

Anyway, the first two points would be the most important: Microsoft cannot do business as usual anymore because their usual business is —illegal—. Point 3 is just a remedy for my personal frustration with Microsoft products.

The point is is that this is a real rememdy, not something that Microsoft can say ''no'' to because they don't feel like it, not something that they can look back on in a few years and say ''see how nice we are?''

Quite frankly, if wrongdoing is found in the Enron case, we're not going to fine Mr. Lay $50 and send him out to be a motivational speaker at high schools. (''Hi Kids! Creative accounting more or less worked for me, and it can work for you too! Oh, and stay of drugs—they're expensive.'' It just wouldn't happen.)

So why should we consider giving such treatment to a company that won't even admit it's bad behavior?

Sincerely,
Jason Miller
e-Business Application Developer
Portland, Oregon

MTC–00016189

From: Bruce McCready
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the Proposed Final Judgment to the United States v. Microsoft Corp. As a software engineer, and a computer enthusiast, I have followed the Microsoft antitrust trial closely, and have been aware of the impact of Microsoft Corporation's anti-competitive practices for much longer. In my opinion, the Proposed Final Judgment does not go far enough to prevent Microsoft from continuing these anticompetitive practices. In particular, the Proposed Final Judgment too narrowly defines the ''Microsoft Middleware Product'', and eliminates from definition U: ''Windows Operating System Product'' several important Microsoft operating systems. In order to effectively limit Microsoft's ability to stifle competition, the definition of ''API ''should probably be expanded to include many other API's that a conservative interpretation of the existing definition might exclude. I believe that, in addition, Microsoft's overly restrictive licensing that discriminates against Independent Software Vendors who develop solutions for open source operating systems, or ship open source software must be effectively remedied in any acceptable Final Judgment.

Sincerely,
Bruce McCready
Software Engineer
Advertising.Com
410–244–1370 x13726

We bring innovation to interactive communication.

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MTC–00016190

From: Troy
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has long been a thorn in the side of independent achievement. While I use their products regularly, I find that I use them because no other company can produce an equivalent or better product without being pounded into the ground by MS or bought out. I would like to see their practices change, it would be better for us and better for them in the long run.

Troy Daley

MTC–00016191

From: Randy Walton
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Comments regarding the Microsoft Settlement

To reviewers of public comments regarding the Microsoft Settlement, I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have been using computers daily since the mid-eighties, when my father brought home an early portable IBM computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry.

Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Randall Walton

MTC–00016196

From: The Rowlands
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

In my opinion, the proposed settlement in the Microsoft case is a very bad thing. Microsoft has been found guilty of criminal behavior, and seems quite unwilling to change its ways. I object to the leniency of the proposed settlement.

Trase Rowland
Ft. Pierce, FL

MTC–00016198

From: Bill Owens
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

I am writing as a private citizen and a computer professional to object to the currently proposed settlement of United States v. Microsoft. I believe that the settlement both in its details and its overall makeup is insufficient to relieve the monopolistic behavior that Microsoft continues, to this very day, to evidence. A stronger, more complete and thorough settlement, and one that addresses the roots of the problem rather than its symptoms, is in my opinion essential. This settlement should be rejected.

Bill.

MTC–00016199

From: M M
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: MICROSOFT SETTLEMENT

Judge;

As a long-time banker to many software industry clients, I can personally attest to the pernicious power and influence of Microsoft in this, one of America's most important industries. No company in my lifetime has exerted such a strong and frequently negative influence over its industry as Microsoft has done over the past 10 years. I will not be giving you my full name, as I fear the wrath of the folks up in Redmond. But I will ask you to look carefully at the facts in this case. They will speak for themselves.

Thank you.
E. J.
San Francisco, CA

MTC–00016200

From: felix@crowfix.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

This Proposed Final Judgement is a travesty of injustice. Have you learned nothing from the previous settlement? Look at Microsoft's behavior since all the verdicts. They have changed their attitude not a whit. They have no remorse, they still deny their guilt, they stall the legal process at every opportunity, they stll step on competitors, they still accumulate an incredible cash reserve (''What? A monopoly? Nonsense, we earn this incredible gross margin through innovation!''), they are, in short, as bad a monopoly as the country has ever seen. And this settlement might well have been written by Microsoft. It is full of weasel words and loopholes. Nothing is pinned down. There are far too many vaguely defined adjectives. This was written with the sole intent of providing grounds for any and all interpretations. Microsoft will argue and debate and stall and obfuscate just as they have always done.

The oversight committee is a joke. They have no powers, and Microsoft gets to aoopoint one of their own choosing. Pardon me, can I go commit a major crime and appoint my own parole board? Better yet, let me write the terms of my own parole. And O By The Way, let this parole board have no power whatsoever. As far as actually serving any hard time, ha ha ha, fooled you!

Felix Finch: scarecrow repairman & rocket surgeon / felix@crowfix.com

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I've found a solution to Fermat's Last Theorem but I see I've run out of room o

MTC–00016201

From: James Risner
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

I am writing to you about the Microsoft settlement.

I am James Risner from 1600 Woodspring Court, Lexington KY. I have owned an ISP since 1995 in Kentucky. The 1995 Consent Decree is nearly identical to the settlement. It is my belief that they will violate the settlement just as they did they decree. Microsoft destroyed Netscape because it was a threat to their OS system.

Microsoft put code in that would post an error and fail to run Windows 3.1 when ran with a a DOS other than MSDOS or IBMDOS at the time. This prevented the use of Dr DOS at the time.

Microsoft copied Stac compression for their own compressed filesystem code. Stac sued and won $120 million settlement, but by the time the money was delivered Stac no longer had a product since Microsoft produced a clean room version of the code.

The settlement requires ''secret'' API to be published but defines it narrowly so that not all API would be required to be published. Many other narrow provisions allow Microsoft to place independent software vendors in the position of not being able to keep their product supported in newer Windows version since they do not get advance warning of significant operating system changes. The 1995 consent decree prohibited anticompetitive license terms, but did so narrowly such that these type of terms continued in Microsoft's Internet products, media players, software development products, and enterprise purchasing license agreements. The same action considered bad and anticompetitive in one situation, should be consider bad in all instances.

It is my belief that Microsoft has no intention of obeying this command and will continue to attempt to interpret loopholes they can use to continue their actions using their $40 billion in cash to defend against any action the government attempts to curtail their illegal behaviour.

Microsoft has done more hard to the economy that healing. I wish I could say there was a viable alternative to their product that I use daily, but I would be lying. This is certainly not due to any effort of the part of their competitors.

Risner

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MTC–00016202

From: Jay Dun
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Disapprove of MS Settlement

Our group disapprove of MS Settlement the government.

MTC–00016203

From: Nat Budin
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

I think Microsoft's proposed settlement is a very bad idea; it would only serve to increase Microsoft's monopoly at virtually no cost to them (since the proposed settlement's figured value includes retail license costs of Microsoft software, which in actuality costs them next to nothing). Please do not allow Microsoft to get away with this!

Thanks for listening,
Nat Budin
natb@brandeis.edu

MTC–00016204

From: Jay Laprade
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Dear Sirs or Maam,

I am a US citizen and I wanted to excersise my rights under the Tunney Act in reagrds to the Microsoft Trial. Here is my feelings, I believe that Microsoft was let of easily. While I believe that it is necessary to maintain the stability of a company within the bounds of the US. ie Keep the company reasonably happy and not drive it away. I think it is necessary to set specific standards and laws that help the average US citizen. Not the company. I believe that this ruling did the best thing for Microsoft. It was too leanent and needs to be more firm. Microsoft is slowly killing it only reasonable competitor. And it's competitor is free. In my humble opinion it is also killing off other competitors. Nullsoft was bought by AOL. Their product is free. Netscape is gone. All these products are continuing to disappear.

Jay Laprade
Information & Communications Analyst
Paramount International
Telecommunications
(800)829–8694 X214
jlaprade@paramountint.com

MTC–00016210

From: Carlos Eberhardt
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Hello,

As a concerned citizen and professional software developer, I wish to comment on the proposed Microsoft settlement. I do not feel the Proposed Final Judgement (PFJ) would prevent Microsoft from continuing anticompetitive practices, and I do not believe it would level the playing field for competing Windows-compatible operating systems. Specifically, although the PFJ forbids retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows, it does not ensure that Microsoft could raise no artificial barriers against non-Windows operating systems which implement the APIs needed to run application programs written for Windows. Therefore it should not be adopted without considerable revision.

Sincerely,
Carlos Eberhardt
5336 East Street
White Bear Twp, MN 55110–2312

MTC–00016212

From: Dave Newcum
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Microsoft deserves more than a slap on the wrist for its destructive abuse of its monopoly power. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation that would otherwise be stimulated through competition. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
David Newcum
Rockford, IL
Software Engineer

MTC–00016213

From: Rick Sipin
To: Microsoft ATR

Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Dear Department of Justice,

I'm writing to comment on my negative opinion of the Proposed Final Judgement to the Microsoft Anit-trust case. Specifically, the judgement seems to be completely oriented towards Microsoft's licensing practices with third party (OEM and the like) vendors, and does nothing to prevent Microsoft from completely circumventing the judgement by their licencing practices with the end users. Specifically current Microsoft volume licensing policies, require that once subscribed to their new licensing structure that no contracts may be entered into that allow an end user to install or use competing software from what Microsoft offers. Now I may not be taking the language straight from the horses mouth, but according to many sources, including CIO magazine (see attached link below), this is their current licensing practice. In my opinion, this is in response to the DOJ settlement, and appears to be done by Microsoft to continue their unfair and monopolistic practices. As a software developer, systems designer and integrator, my business will be under significant additional stress from this kind of monopolistic practices, if Microsoft is allowed to continue to put undue, and in my opinion, illegal pressure on it's end users to use no products which compete with their own. Clearly, in my mind, Microsoft wishes to work in an envvironment where the only choices are Microsoft, or nothing at all. I would like to see a settlement which specifically addresses this kind of anit-competitive practice, and which does something more tangible that what the current proposed settlement offers, to enforce fair competitive practices, and penalize Microsoft for failing to comply with these terms.

Thank you for your consideration.

Rick Sipin—Owner
Thinking Edge Design
2575 S Lafayette St
Denver, CO 80210
http://www.thinkingedge.com
rsipin@thinkingedge.com
(303) 282–8427

Link to CIO Magazine reference of 15 Jan 2002:

http://www.cio.com/archive/011502/meter.html

MTC–00016214

From: Eric Busboom
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Comments on Microsfot Settlement

The PJF is disastrously weak, as many commentators have already noted over the last few months. As a programmer who has suffered with the poor quality operating systems that Microsoft has distributed for the last 20 years, I am disgusted that my government would allow Microsoft to continue to strangle the software industry. Many of the key restrictions in the PFJ relate to Microsoft middleware, but the definition of ''middleware'' is weak and the the restrictions are easy to avoid. Specifically,

* Because a software unit will cease to be defined a middleware a year after it is incorporated into the Operating System, the PFJ encourages Microsoft to integrate more functions into the OS. I had hoped the PFJ would discourage this, not promote it.

* Programmers need the APIs in the OS published more than the APIs to middleware. Without documented OS APIs and program document formats, Microsoft can continue to stifle development from ISVs.

The PFJ was clearly constructed so that Microsoft could avoid any hindrance to its predatory business practices, and if it becomes final, it will only serve to maintain status quo.

Eric Busboom.

MTC–00016215

From: Eric Butler Evans
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Tunney Act comment:

My comments concern the enforcement provisions of the Proposed Final Settlement. The provisions seem to assume that Microsoft will make a good faith effort to comply with the provisions of the PFS. This assumption is not justified. Microsoft has demonstrated contempt for the Court in all of its interactions with the Court; there is no reason to believe that it will comply more effectively with the PFS than it did with the 1994 consent decree.

The enforcement provisions provided in IV, B of the Proposed Final Settlement are inadequate for the following reasons:

1) The enforcement provisions rely on ongoing monitoring efforts by the states acting as a committee. (IV, B, 1); this system of governance will result in a reduction in the efficiency of the monitoring process as the states have already demonstrated that their interests are not identical by splitting in their acceptance of the Proposed Final Settlement.

2) The enforcement provisions prevent the states from disclosing information revealed by Microsoft in the process of enforcement (IV, A, 2, b).

3) Microsoft is given a role in the selection of the Technical Committee (IV, B, 3). Given Microsoft's previous history of disregard for consent decrees and other legal sanctions, the likelihood that Microsoft will use its appointment power to undercut the effectiveness of the TC is high.

4) Given the powers of the TC (IV, B, 8), it will require an extremely large staff. The expense of monitoring Microsoft's compliance, especially given the company's past history of grudging and incomplete compliance with the 1994 consent decree, will be very substantial.

5) Microsoft is given the power of appointing the Compliance Officer (IV, C, 1). Given the company's past history of grudging and incomplete compliance with the 1994 consent decree, it is unlikely that the company will appoint a CO who will attempt to comply with the present settlement in good faith.

6) The powers to the TC and CO do not extend beyond acceptance of complaints from 3rd parties which can be forwarded to Microsoft to ''accept or reject'' (IV, D, 3, c) or proposing cures (IV, D, 4, c). Without the authority to mandate cures, the enforcement authority will be ineffective, given Microsoft's history of evading consent decrees.

Microsoft's crimes demand a structural remedy, not the establishment of a powerless ''compliance'' authority.

Sincerely,
Eric
Eric Evans

MTC–00016216

From: James Bearden
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

Hello,

I feel that the proposed settlement with Microsoft in it's current form will do little to hinder Microsoft's affirmed monopoly practices. The problems are too numerous to mention here, but the three person ''oversight'' committee gag decree is especially henious.

James

MTC–00016217

From: Chris Parrinello
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing with regards to the proposed settlement between Microsoft and the Department of Justice. I believe that the settlement in light of the fact that the courts have decided and upheld the fact that Microsoft has violated the law, is not a punishment at all nor it is strong enough to modify the illegal and anti-competitive behavior of Microsoft. The proposed final judgement (PFJ) has the following flaws:

The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements,

allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

With these flaws taken in part or in whole, the PFJ does not serve justice nor does it address the damage that has been done in the high-tech industry with respect to the innovation that Microsoft has PREVENTED because of its anti-competitive behavior.

Sincerely,

Chris Parrinello
Software Engineer
214 Travis Court
Apt. 305
Schaumburg, IL 60195
(847) 490–1935

MTC–00016218

From: Carmine F. Greco
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

Dear Sir or Madam:

I disagree with the proposed Microsoft judgement. I don't think this judgement will prevent Microsoft from monopolistic practices. Just look at the current MSN/AOL competition and how Microsoft is forcing MSN on people.

Carmine
Carmine F. Greco

MTC–00016219

From: Aaron McBride
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I think the Microsoft Anti-trust settlement is a bad idea. While it may help to deter them from further violations, it doesn't do enough to restore competition to the market. I suggest either breaking them up into at least 4 companies (OS Core, OS GUI, Applications, and hardware), or force them to expose all OS, and application APIs—including Microsoft Office file formats. They should also not be allowed to break the cross-platform nature of the Internet by implementing platform specific ''plug-ins'' (ActiveX components) in their web browser.

-Aaron McBride

MTC–00016220

From: Shawn Stricklin
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a scientist in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS.

Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Shawn Stricklin
Shawn L. Stricklin sls@genetics.wustl.edu
Washington University, Dept. of Genetics
Phone: 314.747.8207
4566 Scott Ave, Box 8232 St. Louis, MO 63110 Fax: 314.362.7855

MTC–00016221

From: Lund, Kenneth
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

/< Ken Lund

MTC–00016222

From: Chris Winberry
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

MTC–00016223

From: Lucas MacBride
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

DOJ's ''NEVERMIND'' WAFFLE

The proposed settlement with Microsoft is completely unconscionable. After having won the case on nearly all accounts, the DoJ has handed out a resounding ''nevermind''. What a complete waste of public funds. Highly suspicious, as well, considering the amount of influence big business in general has had over the past few elections. Something here just doesn't add up.

MICROSOFT FRAGMENTS AND DERAILS THE WEB

As a freelance Web site designer I suffer daily from the lack of choice in operating systems and Web browsers available today. Microsoft continues to short-circuit and preempt efforts by the World Wide Web Consortium (W3C) to standardize Web technologies that would make interoperability between different operating systems and Web browsers very simple. Instead, I need to code my pages (scripting and Document Object Model, specifically) at least three redundant ways so they work in MSIE and Netscape 4, as well as the new standards-compliant browsers such as Netscape 6 and Opera. Netscape has done the right thing; Microsoft needs to be forced to adhere to Web standards, rather than continue to slyly compel Web designers to continuing to use proprietary coding which only serves to maintain Microsoft's monopoly.

OPERATING SYSTEM CHOICE

The settlement does nothing to protect other operating systems which might

compete with Microsoft, specifically Open Source OSes like Linux.

SECURITY

The continued lack of security in Microsoft products creates horrendous situations regarding national security, business security and personal data security. If there were diverse OSes and Web browsers, virii could not take out such large portions of the world's tech infrastructure in one fell swoop.

I hope the DoJ will reconsider this joke of a settlement and rein in Microsoft. Reneging on the judgment sends an unsavory message to other tech businesses—that it's okay to misbehave, the DoJ doesn't care.

Lucas MacBride
lucas@macbridedesign.com

MTC–00016224

From: Glenn Patterson
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

As a software developer I believe this settlement is a bad idea. It has been shown time and again that MS will do anything to keep it's monopoly. It is obvious to anyone involved in software/hardware that MS uses it's monopoly to drive companies to buy their products and then locks them. Once a company begins developing with MS products they are forced to continue because of the high cost they would face to switch to other solutions. Further, MS will then upgrade it's products, forcing anyone using them to buy the next release or their lose support for the version they are on.

There are many issues with regard to this settlement and I refer you to http://www.kegel.com/remedy/letter.html for more information. If this settlement is allowed to go through it will have been a waste of time, money, and great energy on the part of the government and all involved.

Sincerely,
Glenn Patterson

MTC–00016225

From: Jim Leonard
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I am writing to OPPOSE the current proposed settlement. In my opinion it appears to do little to realistically open up the market to competition nor does it appear to have any credible enforcement capabilities.

Victor Leonard
6708 Concourse Dr
Columbus OH 43229

MTC–00016226

From: Troy Daley
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has long been a thorn in the side of independent achievement.

While I use their products regularly, I find that I use them because no other company can produce an equivalent or better product without being pounded into the ground by MS or bought out. I would like to see their practices change, it would be better for us and better for them in the long run.

Troy Daley

MTC–00016227

From: Jason Spangler
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea, and is not strict enough to curb Microsoft's monopolistic behavior.

MTC–00016228

From: Scott Pepple
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

To Whom It May Concern,

As a consumer of Microsoft products for over 15 years and a citizen of the United States, I've got a few opinions I would like to share with the Department of Justice, The Federal Court and the general public.

The progression of the Microsoft Anti-Trust trial over the past couple of years has filled me with hope that we were after all a nation ruled by laws rather than by money. The decision of the Department of Justice to conclude the proceedings with a hastily negotiated settlement after they had all but won the day has been a sad realization for me that we still have a long way to go.

Any person with sense can see consumer choice is limited when the same company that produces the operating system used by 80% of the desktops in the country also produces software to run on that operating system. Name any competitive Word Processing Program on the market. There are none. Is that because Word Processing Programs are so tough to write? Is that because Microsoft's Word Processing Program is so good? It's because Microsoft is constantly making efforts towards it's prime goal—the creation of a unified, monolithic Desktop under their control. Whether by coding practices, marketing practices or by manipulation of the legal system, they have been more successful than not in achieving their prime directive.

Regardless of the lack of acceptability of the current situation, it appears that the current administration is less than ardent in pursuing justice at the risk of their campaign and whatever other contributions they can expect from Microsoft.

Given that situation, the current structure of the initial agreement between the Department of Justice and Microsoft should be modified to expand the portions on interoperability. A strong emphasis in the resolution on this one area will yield the greatest longterm benefits to the industry and the consumer. If Microsoft's standards and interfaces were well known natural competition will follow. To state that such information is a security risk is merely covering the weaknesses of an insecure platform.

Second, any penalties that should be levied on Microsoft need to be recompensed in Cash! Anything but goods and services! The very nature of Microsoft's business model seeks deployment of the maximum amount of software to obtain dependency among the greatest number of people. By exacting payment in goods and services you will simply be helping them to achieve their prime objective. Simply put, your settlement should try harder to make the bad guys work with the rest of us in a fair manner and your penalties should not let the bad guys do more bad.

Scott Pepple

MTC–00016229

From: Jack Park
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

May I please offer a comment, one that I think addresses the primary issue in relation to Microsoft's ability to remain a monopoly. If is this: If competitors have the ability to create and offer for sale truly compatible products, I believe that the capability to maintain a monopoly position in the market will be greatly reduced.

Of greatest importance is the Microsoft Office product. I strongly believe that the Microsoft Office file format specification should be completely documented and those documents kept completely in synch with any version changes Microsoft makes. Those documents must be made public domain, usable without any restrictions. This, I believe, will make it much easier for competitors to guarantee file compatibility with Microsoft products.

I am certain that there are other issues at stake here. I have chosen to focus on the particular issue I think most important.

Sincerely
Jack Park
Independent Software Developer
Brownsville, California

MTC–00016230

From: Warren Ferguson
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

The Microsoft Settlement is bad. We need a better solution, not an advertisement package for the Microsoft robber barrons. Open source operating systems need to be promoted. Considering the dependency America has on Microsoft products, the poor reliability of Microsoft products, and the unfair trade practices of Microsoft, it is time for a major innitiative to promote alternatives like linux.

Warren Ferguson
213 Marilyn Circle
Cary NC 27513
Title: Senior Software Engineer
Affiliation: Master of Computer Science, Wright State
University, Ohio

MTC–00016231

From: David
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing in regards to the proposed settlement of the Microsoft Anti-trust case.

In my considered opinion as a Computing Systems Manager I must disagree with the proposed settlement as it is currently written. While I agree with the decision that Microsoft is in violation of anti-trust laws, I feel that the current proposed settlement

needs additional work and review before it will effectively curtail these monopolistic practices. In broad strokes, my primary objections are as follows.

1. The wording of restrictions need further examination for loopholes and easy methods of circumvention. I suggest that the attorney's involved seek additional techinical/computing advisement in understanding the details and ramifications of these issues. Example: The Definition of Microsoft Middleware is overly exclusive and appears to be avoidable by changing version numbering or distribution methods.

2. API and Protocol sharing are too limited to insure that other developers and operating systems can compete with MS products. The limits placed on what must be shared/revealed does not address the issue of ''porting'' software designed to run on the Windows line of MS operating systems to other OS's or support for software designed to run Windows based applications on systems running a non-Microsoft Operating system.

Example—This would not reduce the application barrier to entry for such software as the WINE project that endeavors to allow the use of software written for Windows on a computer running the Linux OS.

3. Enforcement of the decision and the watchdogging of MS's compliance needs further review and strengthening. The specifications for who can serve in this role need greater definition and the position needs more ability to enforce the settlement and curtail further monopolistic practices.

4. The settlement does not address proprietary digital document formats. This is a very specific issue but very important. One of the greatest barriers to competition with MS Software is the proprietary nature of documents created using the MS Office Suite software. The MS Word document format has become the de facto standard in business. Due to the proprietary nature of its encoding no other developer of word processor software can gain significant entry into the market due to the inaccessibility of this format. In practice a business MUST use MS Office to do business with other companies. This also has the effect of effectively reducing the choice of operating systems to be used by businesses to those OS's that run Microsoft Office, thus reducing competition in the OS market as well.

There are many other issues that seem to make the current settlement less than effective. Please consider researching some of the excellent commentaries and essay's available by other concerned parties as they far exceed my modest research.

To restate, I can not advice acceptance of the current proposal and strongly suggest continued revision and strengthening of the measures taken to rectify the damage already done by Microsoft's anti-competitve practices and prevent their use in the future. Please feel free to contact me if I may be of help in any way.

Thank you,
Sincerely,
David Ehle
Computing Systems Manager
CAPP CSRRI
Illinois Institute of Technology
Chicago IL 60616
312–567–3751
ehle@iit.edu

MTC–00016232

From: Nothingface
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I would like to express my concern that the Proposed Final Judgement is not adequate to solve the problems it attempts to address. I think in many cases, the Proposed Final Judgement is structured is such a way as to encourage and support Microsoft continuing business practices that are harmful to the economy and society.

I agree with Dan Kegel's analysis and proposed solutions; his comments can be found here: http://www.kegel.com/remedy/letter.html

// Darius Rad, Electrical Engineer, Reading, MA

MTC–00016233

From: wayne barker
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

To whom it may concern,

This email is being written to express my deep disappointment with the proposed settlement of the Microsoft Antitrust case.

I am a systems administrator at a design firm. As a computer professional, I have used Microsoft products for years—I am typing this email on one now. Over the 10+ years that I have used computers professionally, I have often been amazed at the unfair and inhibiting practices that Microsoft engages in. Their reputation as the ''Evil Empire'' is not a title lightly given nor is it undeserved. There have been an inconceivable number of times that I have had to patch a system/server/application due to shoddy programming by Microsoft, or worse yet to try to work around an intentional disabling of a feature that made a competitors product unusable.

Microsoft is certainly capable of producing a quality product—I use several, in fact the majority of the computers I personally own run legally purchased copies of Microsoft operating systems and applications. However, I strongly support a the use of penalty, forced restructuring, and individual user remuneration, in order to convince Microsoft, in a definitive way, that they will no longer be allowed to manipulate and (more often than not) impede technological and social advancement in this country solely in order to maximize their profits.

There is an attitude, from Bill Gates down, that we work for them, that they will give us what they want to give us, and damn America if they don1t like it. As has been suggested in a recent initiative to expand broadband access throughout this country as a means to enhance economic rejuvenation, the technological health and robustness of this country IS a national security interest. I do not believe for one second that Microsoft would fail to take advantage of any opportunity to further their market dominance, at the expense of ANY other concern, including and specifically those that threaten the reliability and independence of the computers users of this world. Indeed, the cynical nature of their proposed settlement, given that it would seriously degrade one of their few competitors small niche markets (Apple in education, where Apple is a much better suited product) is just one example of a DAILY litany of abuse, neglect, and misinformation.

Our society, more than almost any other on this planet, has embraced the Technological and Computer revolutions. Our future is CLEARY tied to these areas, as our dominance in other resources and arenas wanes in an ever-more free-market world.

Given this, we as a country simply cannot afford a behemoth of this stature and hubris to define and manipulate our progress. Standard Oil was a ubiquitous force which controlled vast stretches of our countries energy supplies, but was dethroned in a move that strengthened our nations health and enhanced progress. AT&T WAS the ''phone company'', but their breakup, in allowing and encouraging competition and innovation in the communications infrastructure, was a significant force in encouraging our current technological revolution.

It is now the time to restructure, penalize, and otherwise mollify Microsoft's ambitions, so that the health, wealth, and opportunity of our future is that much more realizable. We have enough threats and issues to deal with outside of this country, please deal effectively with this internal one, and place us on a firmer more secure footing for the trials that lie ahead.

And thank you very much for allowing a member of the public to express their concerns over this issue—I am honored.

Sincerely,
Wayne Barker
Systems Administrator
Savage Design Group, Inc.
wayne barker—systems admin—savage design group, inc.
4203 yoakum—houston, tx 77006—713–522–1555
wbarker@savagedesign.com—www.savagedesign.com

MTC–00016234

From: Michael McCafferty
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement

I wish to comment on the proposed settlement in the case of US vs. Microsoft.

While I believe that there are several shortcomings of the proposed settlement, I feel the greatest oversight is the weak provisions for enforcement of future conduct. The settlement as written provides many loopholes, and Microsoft's management have demonstrated their willingness to exploit any such loopholes in pursuing the letter of the law, at the expense of the spirit. Any company whose leadership would introduce false evidence into court, get caught, and replace it with other false evidence, cannot be counted on to abide by laws or codes of conduct which permit any ambiguity.

The current proposed settlement is tantamount to the DOJ walking away from a case that they've already won. Microsoft

gained its current monopoly status illegally, and must be forced to behave like a monopolist. This proposed settlement will not significantly influence the behavior of Microsoft's executives. A new remedy should be sought.

Sincerely,
Michael McCafferty
2860 California St #10
San Francisco, CA 94115

MTC–00016235

From: support@404Browser.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

I support Microsoft on the case of AOL Vs. MS. I am not an Microsoft employee, but after seeing the way AOL operates, I support Microsoft. I also develop my own web browser, 404Browser, 404Browser.com. One of the arguements that I heard that AOL used against Microsoft is that they underpriced their web browser (free). On the internet it is a joke if someone charged money for there web browser. AOL is even a bigger monopoly that Microsoft is. AOL's software will not even allow you to run alternitive internet applications outside their program.

Steven Hicks
404Browser Support

MTC–00016236

From: Antonio J. Alvaradorivera, III(059) A+, B. Sc., CCNA, RHCE
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

This settlement does nothing to prevent MS from abusing its power in the future with future product releases. Somehow this needs to be addressed, monitored, and PREVENTED (not just caught). MS has held the computer industry back in all areas that it is not ready to compete, and that needs to stop.

Antonio Jose Alvaradorivera, III
A+, B.Sc., CCNA, RHCE
RackSpace Managed Hosting

Let us look out not only to our own interests, but also to the interests of others. This is not Rackspace's official opinion, but rather an opinion of the author.

MTC–00016237

From: Dylan Tack
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft settlement

To Whom It May Concern:

I have read, and am opposed to, the proposed settlement in the Microsoft Antitrust trial. Please consider a vote against it.

In particular, I am opposed to the overly narrow definition of ''API'' in the proposed final judgment. Microsoft should be required to document ALL Windows interfaces, so that competing vendors (such as Codeweavers, makers of WINE) can compete fairly in the market.

Also, the proposal does little to redress Microsoft's past actions, and only places (inadequate) restraints on future behavior. Heavy fines should be assessed, with the proceeds used to support Open Source development of alternatives to Microsoft products.

Sincerely,
Dylan Tack
Dylan Tack
The Coordinated Laboratory for Computational Genomics and Parallel Processing Laboratory
Dept of Electrical and Computer Engr.
University of Iowa
Iowa City, IA 52242 (USA)
email: dylan-tack@uiowa.edu
URL http://genome.uiowa.edu

MTC–00016238

From: Lucas Marshall
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Robert L. Marshall
2603 Circle Drive
Santa Clara, UT 84765

MTC–00016239

From: Mike Long
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:48am
Subject: My opposition to some elements of the Microsoft/Sun settlement

I am a software developer with 19 years of experience and I am really glad to be free from having to use the Window's operating system. I am opposed to the jusdgements here which would prohibit me from running licensed Windows software on another operating system such as Linux.

Sincerely,
Mike Long
Senior Software Developer
Net Decisions

MTC–00016240

From: Zachary D. Noffsinger Erbaugh
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

To Whom it may Concern,

I am a professional in Information Technology, and am writing to you as part of the Tunney Act comment process about the proposed settlement of the antitrust case against Microsoft.

I am severely concerned about the proposed settlement. One of the most striking problems is the lack of any provision for disclosure of Microsoft protocols to not-for-profit organizations (as determined by Microsoft—cf. Section III(J)(2), Section III(D).) This would allow Microsoft to deny access to the most important competitors to Windows, including Linux (operating system), Apache (web server), and SAMBA (network server.) These systems provide consumers with options that are less expensive (both in terms of purchase price and Total Cost of Ownership) and more secure than the software Microsoft produces.

The current settlement would allow Microsoft to effectively destroy some or all of the above systems by denying them access to Windows standards, simply because they are not ''businesses'' in the traditional sense. It is ironic that such organizations are not being recognized by the U.S. government in this settlement, since they are more democratic and egalitarian than their for-profit counterparts. Furthermore, free and ''Open Source'' (www.opensource.org) software has been repeatedly shown to be more secure than Microsoft's (often flagrantly) insecure products, and provide the impetus for increased security and reliability, which are important considerations in the world in which we now find ourselves.

I urge you to not let the proposed settlement stand. Seek further technical counsel on the implications of any proposed settlement. With appropriate advice from within the industry, the settlement can be written in such a way that the options of computer users, the viability of non-profit innovators, and the security of computer networks in this country are protected.

Sincerely,
Zachary D. Noffsinger Erbaugh,
Computing Support Specialist, Bethany Theological Seminary and Earlham School of Religion

615 National Road West, Richmond, Indiana 47374, (765) 983–1262 (Office), (800) BTS–8822, FAX (765) 983–1840

228 College Ave., Richmond, IN 47374, (765) 983–1423, (800) 432–1377, FAX (765) 983–1866

mailto:erbauza@earlham.edu, http://www.bethanyseminary.edu/, http://esr.earlham.edu/.

MTC–00016241

From: Jason Jobe
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

I have signed the aforementioned petition but I wanted to reinforce my concern about how Microsoft has negatively impacted the software industry and strongly urge you to reject the current settlement offer.

Sincerely,
Jason Jobe
President
Datalore, Inc.
Purcellville, VA 20132

MTC–00016242

From: Park, Christopher
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

First, thank you for taking the time to read this letter. After reviewing some of the proposed solultion to the Microsoft anti-trust settlement, I feel it leaves much to be desired.

I am an independant software programmer, and I feel stifled by the anti-competitive practices Microsoft has engaged in for many years. Many of my feelings on this subject can be summed up in Dan Kegel's Open letter to the department of Justice (http://www.kegel.com/remedy/letter.html)

Thank You,
Christopher Park

MTC–00016243

From: Cathal Stockdale
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

MTC–00016244

From: Sherri McConaghy
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Sherri McConaghy

MTC–00016245

From: Chris Shenefiel
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Chris Shenefiel

MTC–00016246

From: david boswell
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: microsoft settlement

i am writing to express my feelings about the proposed remedies for the microsoft settlement before the public comment period closes in a few days. it is my opinion that it has been proven that microsoft is a monopoly and that it has used predatory practices in the past to further and extend that monopoly.

my concern is that no adequate remedy will be chosen to address this situation. although i don't have any specific solutions to propose, i believe that many people have come up with many good ideas that would be effective. for instance, i agree with the sentiment of a recently published article in salon.com: http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

thank you for taking the time to read and consider this message.

david

MTC–00016247

From: Jim Rankin
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I am a consulting engineer at Apple Computer, concerned about how Microsoft's anticompetitive behavior could hinder my company's ability to reach customers with the creative and innovative products for which Apple is known. I also speak as one who wants a future where technology innovation cannot be held back by a single corporation's anticompetitive behavior. This message does not necessarily reflect Apple's views.

I am concerned that the proposed final judgment in the Microsoft antitrust proceeding does not accomplish what it claims to accomplish. The language is drafted loosely enough to allow Microsoft to avoid following the intent of the judgment in many points. Specifically, see the issues raised at http://www.kegel.com/remedy/letter.html.

The stated intent of the proposed final judgment is an appropriate response to Microsoft's crimes. But if this intent cannot be enforced and allows Microsoft alternative ways to engage in anticompetitive behavior, it is worthless. Please revise the proposed final judgment to truly prohibit and appropriately punish any future anticompetitive acts by Microsoft.

Mistakes made now may never be undone. The proposed final judgment seems to require bringing entirely new proceedings to address any future anticompetitive actions by Microsoft. There may never again be the political will or opportunity to correct flaws in this proposed final judgment later if they are not corrected now.

Sincerely,
Jim Rankin
1159 Ovington Avenue #2
Brooklyn, NY 11219
718 232–2763

MTC–00016248

From: elijah wright
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

I am upset with the way that the PFJ fails to punish Microsoft for its historical pattern of illegal action and monopoly driven dominance of the computing industry.

In particular, the Proposed Final Judgment seems to do very little to actually ''punish'' Microsoft. The entire agreement is vague, punishment is easily evaded, and the ''punishment'' does very little to strike at the heart of their core business (which, unfortunately, seems to be the maintenance of their monopoly).

Those with more than five years of experience in the industry are fully conversant with MS's poor behavior and tendency to slide toward proprietary lock-in; I, as well as others, would be happy to comment upon their past indiscretions if need be.

Thanks so much for your time.
Elijah Wright

MTC–00016249

From: Mike Savage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

I believe the currently proposed settlement regarding the Microsoft Antitrust case is a

disservice to every American citizen, even those who are a part of Microsoft Corporation. I would urge the DOJ to push for stiffer penalties.

Thank you,
J. Michael Savage
Database/Systems Administrator
datastream.net portal development team
<mailto:savagem@dstm.com>
(800) 955–6775 x7646

MTC–00016250

From: Joe Bowers
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I would like to register my objections to the Proposed Final Judgement of the United States vs. Microsoft.

As a professional software developer with experience working in Microsoft Windows and non-Windows environments, it is my opinion that by adopting very narrow definitions of ''API'', ''Microsoft Middleware'', ''Microsoft Middleware Product'', and ''Windows Operating System Product'', the proposed settlement offers ample opportunity for the Microsoft corporation to continue, and continue to profit from, anticompetitive conduct at the expense of software developers like myself, the distributors of computer hardware, and ultimately end users. Microsoft has illustrated great ingenuity and a true flair for ''innovation'' when it comes to discovering and perpetrating new damaging and illegal practices by which it can leverage its monopoly in one market into a monopoly in another market. Only by adopting much broader definitions that can include presently unforseen technologies, development patterns, and release strategies, can we as a nation prevent Microsoft from continually throwing stumbling blocks in the way of competitive commerce and the advance of the state of the art of computing.

In addition, the amount of information the proposed settlement requires Microsoft to reveal and the required timeframes for revealing that information are respectively too little and too late. The various practices explicitly allowed by the settlement including limitations on the use of published APIs, the withholding of patent information by Microsoft, the ability for Microsoft to legally discriminate against OEMs not in the ''top twenty'' for distributing non-Microsoft products, and continued tolerance of limitations on the development of publicly available software in Microsofts licensing all contribute to my belief that the proposed judgement will do nothing but block further legal recourse with respect to Microsoft's illegal and damaging practices.

Please, consider the state of the art and the state of the business of software and software development before committing to such and ineffective settlement with a criminal organization.

Thank You,
Joseph Bowers
600 A North Greensboro Street
Carrboro, NC 27510

MTC–00016251

From: Cal Evans
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settelment

To whom it may concern:

I have read about the proposed settlement in the Microsoft Anti-Trust case and am disappointed in it. The settlement, as currently proposed will do nothing to curb the anti-competitive behavior. Please consider this a vote against the current settlement and I am asking that you seek a new settlement that is more closely aligned with the crimes they have been convicted of.

Thank you,
Cal Evans
P.O. Box 1281
Nashville, TN 37011
cal@calevans.com
Cal Evans
Senior Internet Dreamer
http://www.calevans.com

MTC–00016252

From: Sioux Bellinder
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

Make the right choice.

Re: the Tunney Act, my comment

The Proposed Microsoft Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sioux Bellinder
Hasten Computer Solutions
3204 Hillside Dr
Wonder Lake, IL 60097
815–653–0902
fax 815–653–8841

MTC–00016253

From: James Bayer
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

To whom it may concern,

I am 25 year old software developer. I feel that the outcome of the proposed Microsoft Settlement will directly impact my career for many years to come, and therefore I have a responsibility to voice my concerns about the settlement.

I do not like the terms of the settlement. I do not think that as they are written, that the terms will preclude Microsoft from behaving in a monopolistic manner or benefit the end consumer. The most glaring problems I see with the settlement are in the terms that are designed to help remove the barriers to entry in the marketplace by providing additional information about the way Windows works. A more stringent standard than is being proposed by the final judgment will be necessary to meet the goal of having ISV successfully utilize the Windows APIs. Microsoft should be required to update documentation to ISVs whenever the API requirements change. Currently, the final judgment says that Microsoft has to notify ISVs seven months in advance of a new release, but not keep them up to date about changes. Additionally, many APIs under the current finally judgment will remain undocumented because of the narrow Microsoft Middleware Product'' and ''API'' definitions.

By making the APIs more accessible to ISVs, consumers will benefit with more choice of platforms which to run their software and more software to choose from. I sincerely hope that the problems with the current final judgment, specifically the Windows API portions are addressed.

Thank you,
James Bayer
jambay@yahoo.com
844 W. Grace St.
Apt. G
Chicago, IL 60613
773–755–8129

MTC–00016254

From: Jeff Dutkofski
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I wanted to voice my concerns with the proposed settlement agreement in the Microsoft case.

It appears that efforts have been made in Sections III.F. and III.G. of the PFJ to prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

These Sections are as not strong as they could be. In its present wording, Microsoft's End User License Agreement (EULA) uses restrictive terms that stops Open Source/GPL/Artistic License/SCSL derived software and applications from running on Windows. These licensing terms also prohibit Windows applications from running on competing operating systems. In the interest of fairness and an open market, Sections III.F. and III.G. of the PFJ should be worded to allow ''open source'' applications to run on Windows, and allow Windows applications to run on competing operating systems. Open up the market and allow the end users more choices and more options.

Respectfully submitted,
Jeffrey J. Dutkofski

MTC–00016255

From: Joel Martin
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement
To: United States Department of Justice
From: Joel Martin

I would like to comment on the Proposed Final Judgement in the United States vs. Microsoft according to the terms of the Tunney Act.

INTRODUCTION:

The Proposed Final Judgement (PFJ) does almost nothing to limit Microsoft's illegal practices. In fact, many aspects of the PFJ encourage Microsoft to continue in their long history of limiting competition and harming the public good. The problems with the PFJ are so numerous that the entire PFJ should be scrapped and re-written. In this document I will enumerate a subset of the many problems with the PFJ.

DEFINITIONS (PFJ section IV):

API—API is so narrowly defined that Microsoft will simply change their naming

scheme to evade the remedies. API should be defined in the industry accepted manner to include all interfaces to all software products that Microsoft distributes.

Microsoft Middleware Product—at the very least this list should include all of Microsoft's .NET family of products. A more reasonable change would be to actually define this so that new middleware products that Microsoft introduces are covered by this definition.

Windows Operating System Product—again, the definition in the PFJ is a list of specific products. First of all, this term should be changed to ''Operating System Product''. A proper definition should be developed that covers all Windows XP versions, all Windows 2000 versions, all portable versions of Windows such as Windows XP tablet PC and the X-Box Operating System. All of these products need to be covered so that the judgement protects and corrects now and into the future.

ACTIONS TOWARDS THIRD PARTIES:

The remedies outlined in the PFJ that apply to Microsoft's actions towards other parties need to be expanded and strengthened. In the current form it is impotent and narrow. Microsoft should not be able to punish any OEM or third party for the way they customize their systems with or without Microsoft software. Microsoft should be required to publish their prices for all OEM's and third parties, NOT just the largest 20 OEMs as stated in the PFJ. Also, Microsoft should be prohibited from retaliating against OEMs and third parties in other ways than just price gouging. For example, Microsoft should not be allowed to give discounts on other products to OEMs that do not sell pre-configured systems with alternate operating systems. One particularly glaring problem in the PFJ is Section III.A.2 which allows Microsoft to retaliate against an OEM that sells systems with a competing Operating System but no Microsoft Operating System. This hole in the PFJ is subtle but pernicious and is reason enough to nullify this version of the PFJ.

EULAS (End User Licenses):

Microsoft has a history of using EULAs to create fear and uncertainty for competitors. These agreements regularly prohibit interoberability, exclude Open Source products, and the prohibit the development of certain types of competing and interoperating products. The PFJ does not address this issue of Microsoft's anti-competitive EULAs.

PROPOSED CHANGES:

The list of problems goes on and on but I will conclude with some recommendation for some additions to the PFJ that may help get this document to a state that will actually contribute to the public good.

- Microsoft must fully document all their APIs including the following: all OS APIs and OS utility APIs including the Windows Installer, Internet Explorer APIs, Outlook APIs, all Office APIs, the DirectX suite of APIs, etc.

- Microsoft must document all document formats fully. This includes the following document formats: MS Word, MS Powerpoint, MS Excel, MS Visio, MS Publisher, MS Project, etc.

- Microsoft must fully document their network protocols including: Outlook to Exchange, SMB/CIFS protocol, Advanced Directory services, etc.

- Microsoft must provide the above documentation on APIs in a reasonable time frame. This means that the documentation must be available to competitors as soon as it is available to other product groups within Microsoft to do developement. This will prevent other product groups within Microsoft from having an unfair lead time on product development compared to Microsoft competitors.

- Microsoft must port all their major desktop applications to non-Microsoft Operating Products that hold the three largest desktop market shares. The versions of the applications on those Operating Products shall not be released more than two months after the release on Microsoft Operating Products. This would mean that the MS Office suite, MS Visio, MS Publisher, MS Project, MS Internet Explorer, MS Outlook, MS Outlook Express, etc, would be ported and up to date on the Macintosh, and probably Linux, etc. They must be available for similar pricing as on Microsoft Operating Products.

- Microsoft must port all their major server applications to non-Microsoft Operating Products that hold the four largest server market shares. The versions of the applications on those Operating Products shall not be released more than two months after the release on Microsoft Operating Products. This would mean that the MS Exchange, MS IIS, MS Enterprise Server, MS Small Business Server, MS SQL Server, MS Systems Management Server, MS Content Management Server, MS Commerce Server, MS Proxy Server, MS SharePoint Portal Server, MS BizTalk Server, MS Host Intergration Server, etc. would be ported and up to date on Linux, Sun Solaris, HP HP/UX, etc.

Joel Martin—System Software Engineer
Compaq Computer Corporation
110 Spit Brook Rd, ZKO3–3/U14
Nashua, NH 03062–2698
joelm@zk3.dec.com 603.884.5061

MTC–00016257

From: Josh Bright
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00016258

From: Will Foy
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: No to the Settlement

As part of my duty as a citizen, I respond to your request for public comment regarding the proposed settlement to the US v Microsoft, as well as the assorted state cases v. Microsoft.

I call for the US Government to stand firm in its resolution against an illegally maintained monopoly. Do not settle without firm— and severe—consequences for Microsoft should it violate any other law. Microsoft has shown repeatedly its disdain for United States Law, as well of that of many states. It is likely and expected that if Microsoft emerges from these Anti-trust proceedings relatively unscathed, then it will violate the law again, it will cost US taxpayers and consumers, and it will stagnate innovation in the PC platform.

Instead of allowing Microsoft to have a wonderful outcome to this case, force them instead to open their API's, force them to open their source code. Even if the source is open, they may still compete. Let the best software development companies win. It opens the marketplace, and it is NOTHING close to corporate communism as recent Microsoft-sponsored ads and lobbying have suggested.

Regardless of what you do after this, I urge you in the strongest possible way to reject the proposed settlement and try again, this time, acting in the best interest of consumers, not business.

Thanks so much for your time and attention in this very crucial matter to the whole technology industry.

Yours,
William Andrew Foy
9757 Concord Church Rd
Lewisville, NC 27023—NC Fifth District
336.946.2606

MTC–00016259

From: joe@laffeycomputer.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

The proposed settlement is not adequate punishment for previous and continued blatant abuse of monopolistic power by Microsoft. I am a small business owner (10 years). These actions set precendents. Please consider a more dutiful punishment

Sincerely,
Joe Laffey

MTC–00016260

From: John Kroll
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

Having reviewed the proposed settlement for the Microsoft, I am appalled on how it fails to address many of the illegal business practices listed in the findings of fact. Additionally, the wording of the proposed settlement is so soft, that allows many potential avenues for Microsoft to exploit to evade the spirit of the proposed settlement. Given Microsoft's past behavior regarding consent decree's, it can be safely assumed that they are aware of this and caused the wording to be structured in this manner for exactly this reason.

One specific example of this is the Technical Committee. Since Microsoft gets to select one committee member who essentially has veto power over the third member of the committee, this review committee is unlikely to actually accomplish anything. Since essentially this committee is supposed to serve as a parole board to monitor Microsoft's future behavior, why are they permitted to have any input into the committee composition at all? Certainly they

should be permitted to submit evidence or other material to the committee for review, but why are they allowed to have input into the selection of a majority of the board members?

Another example is the limitation that ''No provisions of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.'' This limitation would permit Microsoft to hide many APIs needed for a competitor to build a product by claiming the API or protocol specification is restricted due to security considerations. Since the proposed agreement makes no attempt to define or limit what material would be subject to this restriction, it is apparently left to Microsoft to make this determination.

Contrary to Microsoft's advertising, they have not produced much in the way of actual ''innovation'' to the computer industry. In fact, they have significantly stifled innovations by other companies where those innovations would threaten Microsoft products.

The Findings of Fact in this case clearly show that Microsoft has abused its monopoly position in the software market. The proposed settlement does little to address these past abuses or prevent future abuses. In my opinion, the settlement in its current form is definitely not in the public interest.

Very respectfully,
John Kroll
Systems Analyst
Milwaukee, WI

MTC–00016261

From: Drew Kime
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to address Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Drew Kime

MTC–00016262

From: R. Sean Fulton
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

As a citizen of the United States of America, I find the Microsoft/Justice Department proposed settlement utterly unacceptable.

Richard Sean Fulton
Pittsburgh, PA

MTC–00016263

From: Dave Damianakes
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I wanted to register my opinion about the Microsoft settlement. Just for the record, I am an Apple user. I have known for a long time that Microsoft has had a defacto monopoly and has exercised unfair practices to remain dominant. Until the trial, no windows user that I knew had any idea that there were other operating systems available for Intel machines. In fact, they still are unaware of IBM's OS 2, although Linux has been getting more air play. And since the trial I have listened to venture capitalists and startup owners who have been complaining that money will not be invested in a company if they investors think that MS would not like the software that would be produced, due to its competitiveness. I think more and more, the world are coming to rely on computers, just as they were doing with oil during the Standard oil trial. And I think that any remedy short of breaking the company up is grossly unfair and uncompetitive. (By the way, Microsoft has never been innovative. They buy other, innovative, company's products finish them, poorly by the way.) I think the company should be broken up into a application company, an OS company and a networking (or enterprise) company. It should not remain intact. To do other that break the company up is to encourage its stranglehold on the marketplace.

Dave Damianakes
daved@nacus.net

Never trust a new endeavor that requires you to buy new clothes.

Dave Damianakes
daved@nacus.net

MTC–00016264

From: Ryan Smith
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft settlement inadequate

The proposed Microsoft settlement is a travesty. It would be laughable if this weren't such a serious matter. Microsoft's behavior requires serious remedy, not just a slap on the wrist. The future of the computer and internet industries is at stake.

Ryan Smith
Creative Director, Monster Labs, Inc.
ryan@monsterlabs.com

MTC–00016265

From: Curtis Wood
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

This proposal is not nearly strong enough or -restictive- enough. The problem here isn't wether or not the Winodws operating system can or should put this icon here, there or even (GOD forbid) let you do it— that is just simply and plainly stupid!. The problem is the business practices of Bill Gates—this ''proposal'' does nothing, he will simply find a way around it or even ignore it—that is what he does; he's a shark and he eats what he wants...

Curtis Wood
System administrator
Bluedomino hosting
Website: www.bluedomino.net
Office#: (361)887–7778x205
Email: curtis@bluedomino.net

MTC–00016266

From: Ryan Todd
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts.

That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ryan Todd
Network Administrator

EFO Holdings, Inc.

MTC–00016267

From: Mark Horn
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Proposed Settlement is a bad idea...

Dear Sirs and Madams:

I am a network security engineer and US citizen. I've been working with computer networking for 13 years. During that time, I've seen Microsoft's ascendancy to power. During that time, I've seen innumerable potential competitors get swallowed up by Microsoft's anti-competitive practices. But most importantly, during that time, I've seen friends and co-workers forced into using software, not becuase it best met their needs, but because they had no other practical choice. I've seen Netscape be the have the highest demand amongst users, only to see that option precluded when they tried to buy new computers.

Consumers have been directly harmed by Microsoft's anticompetitive business practices. So I was very encouraged when the Department of Justice filed suit, won the case, and prevailed on appeal.

I am, however, disappointed that my government has decided not to seriously consider the harm that this company has done to the US economy through the maintenance of their illegal monopoly. The proposed final judgement is woefully inadequate. It will do nothing to increase competition in the computer software marketplace, and in some cases will help to preserve Microsoft's monopoly.

I believe that the current proposal is grossly inadequate given the findings of fact. I urge you to throw it out and replace it with one that will effectively restore competition to the computer software marketplace.

Sincerely,
Mark J. Horn
Charlotte, NC

MTC–00016268

From: James W Foster III
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata,

I have seen Microsoft so totally crush any competition by not building a better product but by threatening anybody that bought the competitions product.

I agree that you have worked hard on this agreement, but I think it falls short of enforcing the open economy the USA enjoys.

Also, I agree with Dan Kegel's analysis.

James

James W Foster III <j.foster@wcom.com>
Manager of Intra/Internet Development
Boss Jeffrey R. Allegrezza
<Jeff.Allegrezza@wcom.com> vnet4605845
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WORLDCOM—http://
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500 Clinton Center Drive (Corporate Headquarters)
Clinton, Mississippi (MS) USA 39056
(601)460–5589 / vnet4605589 / (800)844–1009 / FAX(601)926–5589

MTC–00016269

From: Ted M
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the proposed Microsoft settlement and am astonished that it addresses only future conduct, including no meaningful punishment for Microsoft's past illegal conduct proven during the trial phase of this case. Microsoft has effectively driven a steamroller at 100mph through a 30mph zone, leaving crushed businesses and the bloody remains of its competitors in its wake, and the facts of that case have been proven in court.

What sane Court would let such a perpetrator go free without severe punishment, warning them only to keep to the rules of the road in the future, utterly disregarding that Microsoft accomplished its goal of clearing its competitors off the road?

Punishment must be levied on Microsoft so the competition can get back on the road—and—back in position to succeed in the race. Microsoft must not only play fair (which it should have been doing anyway!), but must be competitively handicapped for a significant period to compensate for its illegal gains.

Gravely concerned,
Ted McManus
1624 Fordem Ave #202
Madison, WI 53704

MTC–00016270

From: Richard Finney
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Impose harsh penalties on Microsoft, please!

Ms. Hesse,

I believe the government should come down hard on Microsoft. They use their illegal monopoly to stifle competition. They hurt American middle class working folks. Strong regulation and pushisment are in order to assure access to the desktop for competitors.

Microsoft is like having only one cable TV company, or one long distance phone company, or one cell phone company, or one airline, or one car company. We need competition and fair access for the little guy to the market.

Please impose harsh penalties and break up the Microsoft monopoly. Guarantee the right for the little guy to place his products on the desktop.

Richard Finney

MTC–00016271

From: Benjamin Blair
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement.

The proposed settlement will not prevent Microsoft from maintaining its monopoly in the computer industry. The findings of fact clearly described a pattern of corporate behavior that evidenced little respect for antitrust law or public sentiment. Though the proposed remedies themselves may be adequate, the enforcement measures will not provide enough incentive for Microsoft to fundamentally alter its behavior. History demonstrates that Microsoft will not alter its behavior unless it is clearly in its competitive interests to do so. The proposed remedies attempt to force Microsoft to change its behavior in order to reduce its power in the market place. This will not succeed.

The only measures that can be effective are those that immediately change the competitive landscape, and then free Microsoft to struggle for power in this new, more level playing field. I agree with the court that a structural remedy is cumbersome and not likely to be effective. A technological remedy, with objective, quantifiable measures, is the only remedy that can be both effective and in the public's interest.

The competitive advantages of an operating system monopoly are twofold. First, Microsoft negotiates from a very powerful position with OEMs and ISPs. Second, their application software can be developed with special knowledge of the operating system and (optionally) delivered with the operating system to gain better market penetration. Any remedy must address both of these monopolistic advantages.

While I do not claim to be able to construct a better remedy myself, I think it is clear that any remedy must involve forcing Microsoft to open all of its APIs and file formats. Any time two pieces of MS software communicate out-of-process, the protocol for their communication must be public.

Enforcement could come in the form of a court-appointed authority that had the right to demand to see the source code of any MS-published software and compare the documented APIs to the source code. If they were not the same or if the source code is not delivered within a few days, MS should be fined 1/356th of it's profit (this can be calculated after the fact at the end of each quarter) per-day until it satisfies the requirements. This would ensure that the applications of Microsoft's competitors have the same opportunity to succeed on the Windows platform as those of Microsoft itself. Microsoft may maintain its operating systems monopoly, but it will not be able to use to establish new monopolies in other market segments.

Thank you very much for reading and considering my comments.

Regards,
Ben Blair
474 N. Lake Shore Dr. APT 4606
Chicago, IL 60611
312–464–1743 (home)
312–362–2478 (work)

A little about myself:

24 years old, and have been working in the computer industry for the past 8 years. I have been developing software for the Windows platform for the past 6 years. I am currently employed as a lead software developer and system architect for an options trading firm in Chicago, IL. I graduated from the University of Chicago in 1996 with a BS in Computer Science and a BA in Physics.

MTC–00016272

From: Chris Lamothe
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

Please do not move away from a structural remedy, which I believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. If Microsoft is left to exercise its own good faith, then self interest will prevail, and we cannot allow this from a known monopoly.

Christopher Lamothe
Vermont

MTC–00016273

From: Joel Haynie
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

To Whom It May Concern:

I feel that the Microsoft Settlement does not punish Microsoft enough for it blatant miss use of power. I also feel that the settlement is only going to allow Microsoft to further squelch the all ready loose grip of the Open Source movement.

Thank you for your time,
Joel Haynie
Joel@Haynie.com
www.joel.haynie.com

MTC–00016274

From: Mikael Laakso
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I think the proposed settlement is NOT enough to bring back basic rights like freedom of speech and freedom of choice to opensource software developers.

Yours, sincerely
Mikael Laakso
Bitstream Ky
Nelj's Linja 2c90
00530 Helsinki
email: mikael.laakso@bitstream.fi
tel: +358 44 5651805

MTC–00016275

From: Jed Harris, Pliant Ventures
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

I am deeply concerned that the current proposed settlement fails to move the United States toward a competitive desktop OS and middleware regime.

As we have seen the current lack of competition poses major risks to national security, as well as imposing major unnecessary burdens on software innovators, businesses, and consumers.

Many analyses have shown clearly that the current proposed judgement fails to constrain Microsoft's current abuses of its monopoly power and permits tactics that will allow Microsoft to maintain and extend this power.

Unfortunately, Microsoft has already demonstrated that it will interpret such settlements in ways that make a mockery of their intent. Any agreement reached must clearly and enforceably redefine the playing field. Otherwise this process will only undermine and call into contempt the effectiveness of our legal and regulatory institutions.

Without an effective agreement we will not meet our needs for a reliable software infrastructure, essential to national security. We will not sustain a competitive and innovative software marketplace, essential for economic vitality and our international competitive position. We will not enable businesses and consumers to make the most effective, and most cost-effective, use of computers. For all these reasons I wish to register my disagreement with the proposed settlement in the strongest possible terms.

Sincerely,
Jed Harris
Managing Member, Pliant Ventures

MTC–00016276

From: Schnitzer Productions LLC
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To Renata B. Hesse:

I am e mailing you to express my support of Microsoft in the current anti trust case against it. I believe that the only thing Microsoft has done wrong is to be ''too'' successful, and also to neglect contributing to Congressmen's re-election campaigns.

As a user of Microsoft software, I have found the power and convenience and ease of use of their products to be exemplary. Their prices are low. Example: A simple product like Microsoft Publisher, which cost me $60 several years ago, has revolutionized my business, making it possible for me to design all my advertisement, web sites, order forms, brochures, etc. Microsoft was good at running it's business, while it's browser competitor, Netscape, was good at running to Washington. I don't think Netscape should be rewarded for that.

And I don't think government has any business punishing businessmen who are ''arrogant'' enough to believe that they have a right to run their businesses as they see fit, as long as they don't forcibly interfere with anyone else's right to do likewise.

If you want to prosecute a true monopoly, then go after a coercive monopoly like the Post Office. Now THERE is an institution which harms consumers and forcibly excludes competitors from the market. Ignoring the Postal Monopoly while persecuting Microsoft reflects a concern about political power and authority, not about protecting ''consumers''.

Yours,
Gary Schnitzer
5521 Greenville Avenue
Suite 104–565
Dallas, TX 75206
Schnitzer Productions LLC dba Violin Romance Recordings
www.moodmusic.com

MTC–00016277

From: Dave Damianakes
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement (one other thing)

One other thing: What is the point of having anti trust laws and laws against monopolies, if we just leave the monoply intact?

Dave Damianakes
daved@nacus.net —

Never trust a new endeavor that requires you to buy new clothes.

Dave Damianakes
daved@nacus.net

MTC–00016278

From: Danny Espinoza
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To whom in may concern:

The proposed settlement between Microsoft and the US does not sufficiently punish the company for its proven illegal, anti-competitive actions. Microsoft's flagrant abuse of their monopoly has forever altered the technology marketplace. The penalty must reflect this fact.

Thank you,
Danny Espinoza
2601 Woodley Pl NW Apt 903
Washington, DC 20008

MTC–00016279

From: Dave Lyon
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

Just to add my two cents on the settlement ideas being discussed: I feel that every ''remedy'' that has yet been suggested has been not a penalty but at best a delay for Microsoft's monopolistic methods.The whole ''give software to schools'' thing is ridiculous. Making copies of their own software costs Microsoft maybe a penny per CD and makes a whole new generation of computer users learn things the Microsoft way. If anything this is an added bonus.

The remedy should not so much focus on a payment or compensation of some kind as it should a restraint on Microsoft's business practices. While this case has been going on, Microsoft has released a new Operating System that integrates like no other before it a slew of Microsoft programs like the Internet Explorer browser and the Windows Media Player. In addition, built into the system are hooks that tie into Microsoft's new push called .Net which aims to remake the world wide web in the image of Microsoft. Any remedy should in some way monitor .Net and assure fair business practices. .Net will succeed (if it succeeds) because the whole model is based on the idea that the normal person's operating system is Windows and Microsoft leverages that fact to make it easier for other businesses to implement .Net instead of competing platforms. In the past Microsoft has bundled their own programs. Now they will effectively be bundling the ''Microsoft Internet'' in the operating system itself. That is wrong and must be dealt with in the settlement.

Dave Lyon
TeachStream Web Engineer

www.teachstream.com

MTC–00016280

From: Piehl, Curby A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

In the opinion of this technician, the proposed final judgement in the Microsoft anti-trust case is not in the public interest. It allows Microsoft to continue anti-competitive practices while providing for no effective enforcement mechanism should Microsoft violate the already weak terms of the agreement.

I ask you to read and consider the information in the link below.

http://www.kegel.com/remedy/remedy2.html

Thank you for your time,
Curby Piehl
Help Desk Analyst

MTC–00016281

From: Fred T. Metcalf
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To whom it may concern,

I am greatly saddened by the so-called ''slap on the wrist'' remedy being offered in the Microsoft anti-trust case. What has been proposed is not even a slap on the wrist, it is a release into the public sector of an unrepentant criminal corporation. Criminal? Yes, having been found guilty implies having broken the law, i.e., having commited criminal acts. I sugget that the court make the strongest possible review of the proposed settlement in light of the court decisions already made, and in light of the damage done to parts of the computer industry over a period of many years by Microsoft.

The proposed settlement should be rejected, and Microsoft be made to pay for their breaking of the law—both financially and in very strong conduct restrictions placed on their business practices.

Frederic T. Metcalf

MTC–00016282

From: Myke Komarnitsky
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I work in the computer industry (I own my own company, focusing on web development), and in my opinion, I believe the settlement would be a net negative for my industry, and for the overall economy. I hope that the responsibility you have in this issue will be discharged correctly.

Thank you,
Myke Komarnitsky
President, Komar Consulting Group
Michael Komarnitsky Komar Consulting Group
303.818.3718 http://www.komar.biz
http://climbingboulder.com -

MTC–00016283

From: Marshall Lewis
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

In my opinion, the proposed settlement does little to force Microsoft to change it's monopoly behavior, and in fact will allow (even help) Microsoft gain a stronger market share.

Marshall Lewis
Senior Programmer
ScholarOne Inc.
(434)817–2040x172

MTC–00016284

From: Andrew.Klopp@ulte.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

The proposed settlement is bad.

Microsoft buys-out or crushes competition and needs to be stopped.

Andrew Klopp
Helpdesk Supervisor
Ultimate Electronics
(303)412–2525 ext. 1192

MTC–00016285

From: Mark and Connie
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement comment

Greetings,

I am dissapointed that your court has not adopted a structural remedy in the Microsoft case, which I believe is the only long term solution to adressing Microsofts past, and sure to be future abuses. I have personally been affected by Microsofts actions. Previous laptop computer purchases have forced me to purchase Microsoft operating systems with the systems, which I neither want nor need. Typically, Microsoft operating systems installed with new PC's are ''tied'' to the BIOS, making it impossible to sell the unwanted operating system to recoup my additional costs. In addition, Microsofts EULA prohibits secondary license transfers of unwanted operating systems that users are forced to purchase.

Last year I purchased an intel server from the second largest intel computer vendor, which ''builds to order'', with the intention of running a custom written security application on OpenBSD. I requested a machine without a Microsoft operating system license to lower the cost, as normally the systems were preloaded with Windows 2000 and IIS. I was told that my only option was to have it loaded with Linux, at an extra cost of $1,000 over the cost of the system with Windows 2000! I found it incredible that by eliminating a Microsoft server license, and replacing it with something free,would raise the cost by $1,000. I was told that the extra cost was due to the extra ''integration costs'' of linux. Since I had no intention of running Linux on the system anyway, and intended on running OpenBSD, I insisted that it be shipped with no operating system for a cost less than the Windows 2000 preload. I was told that their agreement with Microsoft prohibited sending any system without a Microsoft operatnig system, for less than the cost of a Microsoft preloaded system.

In addition, Microsoft also currently is limiting computer makers from installing other operating systems in ''dual boot'' configurations, due to restrictions on the boot loader. This effectively removes customer choice, and insures further customer ''lock in''. I realize your language tries to adress this practice, but without an enforcement mechanism with more power, vendors will simply cave in to Microsoft demands. Your proposed pricing and technical disclosure language is riddled with loopholes which will accomplish nothing to address future abuse by Microsoft.

Thank you for your consideration

MTC–00016286

From: Greer Pedoe
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I am Canadian, so I'll keep it short. Look around you: if it's not owned by Microsoft, then it's going bankrupt at their hands. They do not deserve a settlement such as the one proposed. Be as merciless to them as they are to their competitors.

Thank you for your time,
Greer Pedoe
Computer Science Co-op Student
University of Waterloo
Waterloo, Ontario
N2L–3G5

MTC–00016287

From: The Real Enchilada
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

My name is Hal Black, I am a resident of Columbia, HID, and am the Directorof Software for a small internet security company. I think the proposedsettlement for the Microsoft anti-trust suit is insufficient and will not break Microsoft's trust. Rather than reiterate what has already been written, I have encluded excerptsfrom Dan Kegel's excellent essay on the problems with the settlement whichoutlines some of the major flaws with the settlement.

How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?The definitions of various terms in Part VI of the PFJ differ fromthe definitions in the Findings of Fact and in common usage, apparantlyto Microsoft's benefit. Here are some examples:Definition A: ''API''The Findings of Fact (¶ 2 define ''API'' to mean the interfacesbetween application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfacesbetween Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs suchas the Microsoft Installer APIs which are used by installer programsto install software on Windows. Definition J: ''Microsoft Middleware''The Findings of Fact (¶ 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to writenew applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way,and allows Microsoft to exclude any software from being coveredby the definition in two ways:

By changing product version numbers. For example, if the next version of Internet

Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'' it would not be deemed Microsoft Middleware by the PFJ. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in thatversion of Windows would be considered Microsoft Middleware, regardlessof whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree thatallowed Microsoft to bundle its browser by integrating it into theoperating system. Definition K: ''Microsoft Middleware Product''Definition K defines ''Microsoft Middleware Product'' to mean essentiallyInternet Explorer (IE), Microsoft Java (MJ),Windows Media Player (WMP), windows Messenger (WM), and Outlook Express (OE). The inclusion of Microsoft Java and not Microsoft.NET is questionable;Microsoft has essentially designated

Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, asOutlook (different and more powerful than Outlook Express) is a moreimportant product in business, and fits the definition of middlewarebetter than Outlook Express. The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to runon top of Microsoft Outlook and Microsoft Word, and many applicationsare deveoped for Microsoft Access by people who have no knowledge ofWindows APIs.Definition U: ''Windows Operating System Product''Microsoft's monopoly is on Intel-compatible operating systems. Yet thePFJ in definition U defines a ''Windows Operating System Product'' to meanonly Windows 2000 Professional, Windows XP Home, Windows XP Professional,and their successors. This purposely excludes the Intel-compatibleoperating systemsWindows XP Tablet PC Edition andWindows CE; many applications written to the Win32 APIs can run unchanged onWindows 2000, Windows XP Tablet PC Edition, and Windows CE,and with minor recompilation, can also be run on Pocket PC.Microsoft even proclaims atwww.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will beavailable from leading computer makers in the second half of 2002. TheTablet PC runs the Microsoft Windows XP Tablet PC Edition and featuresthe capabilities of current business laptops, including attached ordetachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by WindowsMicrosoft is clearly pushing Windows XP Tablet PC Edition and Pocket PCin places (e.g. portable computers used by businessmen) currently servedby Windows XP Home Edition,and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions ofthe Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE,Pocket PC, X-Box, or some other Microsoft Operating System thatcan run Windows applications. How should the Final Judgment erode the Applications Barrier to Entry?The PFJ tries to erode the Applications Barrier to Entry in two ways: By forbidding retaliation against OEMs, ISVs, and IHVs who support ordevelop alternatives to Windows.

By taking various measures to ensure that Windows allows the useof non-Microsoft middleware. A third option not provided by the PFJ would be to make sure thatMicrosoft raises no artificial barriers against non-Microsoftoperating systems which implement the APIs needed to runapplication programs written for Windows. TheFindings of Fact (¶52)considered the possibility that competing operating systems could implement the WindowsAPIs and thereby directly run software written for Windows as a way of circumventing theApplications Barrier to Entry. This is in fact the route being taken by the Linux operatingsystem, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatibleoperating systems, the PFJ is missing a key opportunity to encouragecompetition in the Intel-compatible operating system market.Worse yet, the PFJ itself, in sections III.D. and III.E., restrictsinformation released by those sections to be used ''for the sole purposeof interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. How should the Final Judgment be enforced?The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee withinvestigative powers, but appears to leave all actual enforcement tothe legal system. What information needs to be released to ISVs to encourage competition, and under what terms?The PFJ provides for increased disclosure of technical informationto ISVs, but these provisions are flawed in several ways:1. The PFJ fails to require advance notice of technical requirementsSection III.H.3. of the PFJ requires vendors of competing middlewareto meet ''reasonable technical requirements'' seven months before newreleases of Windows, yet it does not require Microsoft to disclose thoserequirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly beforethe deadline, and not informing ISVs. 2. API documentation is released too late to help ISVsSection III.D. of the PFJ requires Microsoft to release via MSDN or similarmeans the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at thetime of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet therequirements of section III.H.3, which states that competing middlewarecan be locked out if it fails to meet unspecified technical requirementsseven months before the final beta test of a new version of Windows. 3. Many important APIs would remain undocumentedThe PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API''means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.4.

Unreasonable Restrictions are Placed on the Use of the Released DocumentationISVs writing competing operating systems as outlined in Findings of Fact (¶ 52)sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; andthose who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.5. File Formats Remain UndocumentedNo part of the PFJ obligates Microsoft to release any information about file formats,even though undocumented Microsoft file formats form part of the ApplicationsBarrier to Entry (see ''Findings of Fact'' ¶20 and ¶ 39).6. Patents covering the Windows APIs remain undisclosedSection III.I of the PFJ requires Microsoft to offer to license certainintellectual property rights, but it does nothing to require Microsoftto clearly announce which of its many software patents protect the Windows APIs(perhaps in the style proposed by the W3C;

seehttp://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure).This leaves Windows-compatible operating systems in an uncertain state:are they, or are they not infringing on Microsoft software patents? This can scareaway potential users, as illustrated by this report from Codeweavers, Inc. :When selecting a method of porting a major application to Linux, oneprospect of mine was comparing Wine [a competing implementation of someof the Windows APIs] and a toolkit called ''MainWin'. MainWin is made byMainsoft, and Mainsoft licenses its software from Microsoft. However, thiscustomer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was thatMainsoft representatives had stated that Microsoft had certain criticalpatents that Wine was violating. My customer could not risk crossingMicrosoft, and declined to use Wine. I didn't even have a chance todetermine which patents were supposedly violated; nor to disprove thevalidity of this claim. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited?The PFJ prohibits certain

behaviors by Microsoft towards OEMs,but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that shipsPersonal Computers containing a competing Operating System but noMicrosoft operating system.

Section III.B. requires Microsoft to license Windows on uniform termsand at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, includingimportant regional 'white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offerdiscounts on Windows to OEMs based on the number of copies of MicrosoftOffice or Pocket PC systems sold by that OEM. In effect, this allowsMicrosoft to leverage its monopoly on Intel-compatible operating systemsto increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoftto extend its monopoly in Intel-compatible operating systems, andto leverage it into new areas.Which practices towards ISVs should be prohibited?Sections III.F. and III.G. of the PFJ prohibit certain exclusionarylicensing practices by Microsoft towards ISVs. However, Microsoft uses other exclusionary licensing practices, none of whichare mentioned in the PFJ.Several of Microsoft's products'' licenses prohibit theproducts'' use with popular non-Microsoft middleware and operating systems. Two examples are given below. 1. Microsoft discriminates against ISVs who ship Open Source applicationsThe Microsoft Windows Media Encoder 7.1 SDK EULA states.., you shall not distribute the REDISTRIBUTABLECOMPONENT in conjunction with any Publicly Available Software. ''PubliclyAvailable Software'' means each of (i) any software that contains, oris derived in any manner (in whole or in part) from, any software thatis distributed as free software, open source software (e.g. Linux) orsimilar licensing or distribution models ...Publicly Available Software includes, without limitation,software licensed or distributed under any of the following licenses ordistribution models, or licenses or distribution models similar to any ofthe following: GNU's General Public License (GPL) or Lesser/Library GPL●LGPL); The Artistic License (e.g., PERL); the Mozilla Public License;the Netscape Public License; the Sun Community Source License (SCSL); ...Many Windows APIs, including Media Encoder, are shipped by Microsoft asadd-on SDKs with associated redistributable components. Applications thatwish to use them must include the add-ons, even though they might laterbecome a standard part of Windows. Microsoft often provides those SDKsunder End User License Agreements (EULAs) prohibiting their use with Open Source applications. Thisharms ISVs who choose to distribute their applications under Open Sourcelicenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competingmiddleware product Netscape 6 and the competing office suite StarOffice;these EULAs thus can cause support problems for, and discourage the useof, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operatingsystems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. 2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating SystemsThe Microsoft Platform SDK, together with Microsoft Visual C++,is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the PFJ is contributingto the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited? The PFJ places restrictions on how Microsoft licenses its products to OEMs, butnot on how it licenses products to large users such as corporations, universities,or state and local goverments, collectively referred to as ''enterprises'.

Yet enterprise license agreements often resemble the per-processor licenses whichwere prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case,in that a fee is charged for each desktop or portable computer which couldrun a Microsoft operating system, regardless of whether any Microsoft software isactually installed on the affected computer. These agreements are anticompetitivebecause they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited? Microsoft has used both restrictive licenses and intentional incompatibilitiesto discourage users from running Windows applications onWindows-compatible competing operating systems. Two examples aregiven below.1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systemsMSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and usecopies of the SOFTWARE PRODUCT on your computers running validlylicensed copies of the operating system for which the SOFTWAREPRODUCT was designed [e.g., Microsoft Windows(r) 95; MicrosoftWindows NT(r), Microsoft Windows 3. x, Macintosh, etc.]. ...'' Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copiesof operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and usecopies of the SOFTWARE PRODUCT on your computers running validlylicensed copies of Microsoft Windows or compatible operating system.'' 2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systemsAn episode from the 1996 Caldera v. Microsoft antitrust lawsuitillustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS–DOS. Programs used the DOS APIto call up the services of the operating system. Digital Research offered acompeting operating system, DR–DOS, that also implemented the DOS API, andcould run programs written for MS–DOS.

Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR–DOS, andadded code to beta copies of Windows 3.1 so it would display spurious and misleadingerror messages when run on DR–DOS. Digital Research's successor company, Caldera, brought a privateantitrust suit against Microsoft in 1996. (See the original complaint, andCaldera's consolidated response to Microsoft's motions for partial summary judgment.)The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilitiesalleged were part of an anticompetitive scheme byMicrosoft.'' That case was settled out of court in 1999, and no court has fully exploredthe alleged conduct. The concern here is that, as competing operating systems emerge whichare able to run Windows applications, Microsoft might try to sabotageWindows applications, middleware, and development tools so that theycannot run on non-Microsoft operating systems, just as they did earlierwith Windows 3.1. The PFJ as currently written does nothing to prohibit these kindsof restrictive licenses and intentional incompatibilities,and thus encourages Microsoft to use these techniquesto enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systemsand wish to use Microsoft applications software. Is the Proposed Final Judgement in the public interest?The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, andeven contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, butit defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware withcompeting middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should thereforeallow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term sonarrowly that it doesn't coverWindows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box —operating systems that all use the Win32 API and are advertizedas being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements,allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVsso they can create compatible middleware—but only after thedeadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation tohelp make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation aboutthe format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patentsprotect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keepOpen Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keepWindows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies,state governments, and universities) charge by the number of computerswhich could run a Microsoft operating system—even forcomputers running Linux. (Similar licenses to OEMs were once banned by the1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities inits applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships PersonalComputers containing a competing Operating System but no Microsoftoperating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMsbased on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems,one must conclude that the Proposed Final Judgment as writtenallows and encourages significant anticompetitive practices tocontinue, and would delay the emergence of competing Windows-compatibleoperating systems. Therefore, the Proposed Final Judgment is not in the public interest,and should not be adopted without addressing these issues. Strengthening the PFJThe above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate.

Some of the plaintiff States have proposedan alternate settlement which fixes many of the problems identifiedabove. The States'' proposal is quite different from the PFJ as a whole,but it contains many elements which are similar to elements of the PFJ,with small yet crucial changes. In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems(time pressure has prevented a more complete list of amendments).When discussing amendments, PFJ text is shown indented;removed text in shown in [bracketed strikeout],and new text in bold italics.Correcting the PFJ's definitionsDefinition U should be amended to read U. ''Windows Operating System Product'' means [the software code (asopposed to source code) distributed commercially by Microsoft for usewith Personal Computers as Windows 2000 Professional, Windows XP Home,Windows XP Professional, and successors to the foregoing, including thePersonal Computer versions of the products currently code named ''Longhorn''and ''Blackcomb'' and their successors, including upgrades, bug fixes,service packs, etc. The software code that comprises a Windows OperatingSystem Product shall be determined by Microsoft in its sole discretion.]any software or firmware code distributed commercially by Microsoftthat is capable of executing any subset of the Win32 APIs, includingwithout exclusion Windows 2000 Professional, Windows XP Home,Windows XP Professional,Windows XP Tablet PC Edition,Windows CE,PocketPC 2002,and successors to the foregoing, including theproducts currently code named ''Longhorn'' and ''Blackcomb'' and theirsuccessors, including upgrades, bug fixes, service packs, etc.Release of information to ISVsTBD Section E should be amended to read... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, [for thesole purpose of interoperating with a Windows Operating System Product,]for the purpose of interoperating with a Windows Operating System Productor with application software written for Windows,via the Microsoft Developer Network (''MSDN'') or similar mechanisms, theAPIs and related Documentation that are used by Microsoft Middleware tointeroperate with a Windows Operating System Product. ...

MTC–00016288

From: Rob Leary
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Ms. Hesse:

I believe that the proposed Microsoft antitrust settlement is not a powerful enough remedy for the personal computer market or U.S. consumers in general. The proposal, as written, is technically flawed, and does not provide enough mechanisms to penalize Microsoft for violating the spirit, if not the letter, of the law.

In particular, I believe that Microsoft must provide significant technical details, a minimum of 6 months in advance, to all software vendors regarding changes to the Windows APIs. Without this, Microsoft will be able to make changes to the APIs, effectively disabling non-Microsoft products, while introducing their own competing products that work. I strongly urge the Justice Department and federal courts to instead use the proposed remedy from the nine dissenting states (http://www.naag.org/features/microsoft/ms-remedy—filing.pdf) as a more reasonable, robust remedy that will truly help promote competition and innovation in the marketplace. Otherwise, Microsoft will continue to use it's monopoly power to stifle progress, something we cannot afford in today's society and economy.

Sincerely,
Robert Leary
rob@leary.net

MTC–00016289

From: t.gauslin
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I have read the proposed settlement to the Microsoft Antitrust case and feel that it does not provide adequate reparations to the competitors and consumers harmed by Microsoft's business practices. Their behavior has caused a good deal of harm to the computer industry's landscape. A choice of one is not a choice at all.

Sincerely,
Anthony Gauslin
tgauslin@pacbell.net

MTC–00016290

From: David Orman
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am opposed to the current MS settlement agreement. The current settlement does nothing to remedy to current situation which only seems to be getting worse as time goes on. The language of the current settlement is much to weak and allows infinite loopholes for Microsoft run through.

I also find the naming of specific products in section III to be counterproductive. If Microsoft merely comes out with a new version with a different name and a slightly

changed API the entire section becomes pointless. Section VI suffers from a similar problem. By the time this settlement goes into effect none of the ''Windows Operating System Products'' (definition U) will be relevant to the market anymore. Microsoft has scheduled 2 more OS upgrades in the next 2 years, merely giving them a different name will remove them from this judgment.

David Orman
Network Administrator
ISU Center for NDE

MTC–00016291

From: Marshall Reeves
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am upset about the Microsoft settlement and the appearance that the company can get away with a minor handslap after running many competing software development companies out of business. I feel that as long as Microsoft is allowed to, they will continue to incorporate software functionality that was previously a feature of a commercial non-operating system product, into their operating system. Since the various versions of Windows are pervasive on the desktop, consumers will not buy competing software products when their functionality has been bundled into Windows, apparently for free. Microsoft has had a habit of doing this as evidenced by disk compression software when MSDOS was the pervasive operating system and with browsers and multimedia software in Windows. This practice will continue to cause smaller software companies to evaporate or be swallowed whole by Microsoft.

I feel that a much better remedy would be to define what an operating system is and place restrictions on moving other software content into it. This would force Microsoft to sell products in a fair and competitive market rather than disguising them as components of operating system that is purchased by virtually all pc users.

Sincerely,
Paul M. Reeves

MTC–00016292

From: ereth
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am writing in response to the Proposed Final Judgement in the anti-trust case against Microsoft Corporation. I am opposed to this judgement and feel that it does little, if anything, to deter the sorts of practices that Microsoft has used to maintain the monopoly it has obtained through anti-competitive practices.

By way of background I am currently a Systems Administrator who has began working with computers in college in 1977. I have worked on a variety of systems, both with and without Microsoft Operating Systems or applications, from micros to minis to mainframes. One of the things the Proposed Final Judgement fails to address is the proprietary, undocumented file formats that Microsoft uses to hold a users data hostage. An office which creates all their documents in Word and Excel for a year, but decides to change operating systems or even applications, immediately discovers that those proprietary secret file formats are holding their data hostage. Microsoft file formats are notoriously difficult to reverse-engineer and no application currently shipping on any computing platform can reliably open and save to (without losing any features or formatting) a Microsoft file format, other than a Microsoft application.

Companies with thousands of documents find they must continue to use Microsoft applications, at whatever price Microsoft chooses to charge, in order to have access to their own data. The alternative is to rekey everything, a tremendous burden both financially and in terms of productivity.

In fact, many purchases of Microsoft Office upgrades are forced on end users because someone they deal with sends them a file from a new version that their old version can't open.

Microsoft should be forced to make publicly available their file formats, and adhere to them. There is nothing special about a file format and it will not harm Microsoft to have these available, except in that it prevents vendor lock-in and people would have the freedom to choose their application based on price, performance and support. Adobe maintains it's position atop the graphics industry and the Photoshop file format and the Portable Document Format (PDF) are widely known and used in their competitors applications. In fact, the graphics industry uses almost exclusively open formats, so that files can be viewed and edited on any platform by any application.

MTC–00016293

From: rdike@ilsmart.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

The settlement as proposed is a bad idea. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. Microsoft has proven that it can keep the legal system tied up for years. It has poor definitions for key terms like ''API'', ''Middleware'', and ''Windows OS''.

It does not provide for advanced notice of changes in API. This is bad because it allows competting middleware to be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows, but the changes to the api do not have to be documented until the final beta test. There are many places where the specific section sounds fine, but when definitions and requirements from other sections are taken into account, the final results is an agreement that does little to change the way Microsoft does bussiness.

Reece Dike

MTC–00016294

From: Kevin Rayhons
To: MS ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I am mailing you to cite my view that the settlement proposed for Microsoft is not enough. I have been informed and encouraged to send this because of the reasons laid out on this site http://www.kegel.com/remedy/letter.html

I feel that this settlement is worded very weakly, and that the punishments for disobeying the settlement have no force at all. If Microsoft does not follow the rules in the first place, nothing will make me think they will start to follow them if the rules against them last longer. I feel it's like convincing a child to not do something by telling them not to do it. Then when they do it, they are just told not to do it again.

Please take the time to do this right. Look at the ideas put forth on the webpage I mentioned, and make a better judgment that will not potentionally benefit Microsoft.

thank you

MTC–00016295

From: Eric Cook
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I'd like to state my opinion that the proposed settlement with Microsoft is insufficient, and truly a bad idea for the competitive welfare of our country's economy.

I agree with and stand by Dan Kegel's well-written set of objections, located at:

http://www.kegel.com/remedy/letter.html

Thank you for your time,
—Eric Cook
ecook@simulated.net
Editor, Simulated.net, Allsound.org

MTC–00016296

From: Joshua Crone
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I DISAGREE with the proposed Microsoft Antitrust settlement.

Joshua Crone
Unix Systems Administrator
Advertising.Com Inc.
www.advertising.com
410.244.1370 x13778
Public key available by request
perl -e

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MTC–00016297

From: Alan B. Heirich
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft settlement

Dear Department of Justice,

I am writing to you under the Tunney act to express my concerns about the proposed settlement of the Microsoft Antitrust case. As a software engineer with 20 years experience, PhD trained computer scientist, and senior architect for a major computer manufacturer, I have first-hand experience with Microsoft executives and the business practices that govern the PC and enterprise computing industries. It is my opinion that the proposed settlement will have no effect on Microsoft conduct and will lead to a continuation of the status quo monopoly in the market for

desktop operating systems and applications. This belief is based on several observations:

1. Microsoft is deceitful—in the past Microsoft has shown its willingness to evade governmental restrictions. Any proposed settlement should acknowledge that the company behaves in ways that fail to meet high ethical standards, and remedies should be designed in anticipation of attempts at evasion.

2. Linux faces unreasonable barriers to entry—I am writing this note as a private citizen and am not speaking for my employer, a major computer vendor. My experience in developing products for the industry has taught me that at the present time it is impossible to ship computers containing Linux without paying Microsoft for a Windows license. This is not explicitly due to retaliation, but instead is a result of the status quo of installing Windows on every computer to be shipped. The cost for labor to remove Windows and replace it with Linux is higher than the cost of a Windows license. Since Linux is a free operating systems users do not expect to pay for it, and in particular do not expect to pay for the cost of a Windows license plus the cost of the labor to install Linux. As a result Linux faces a de facto barrier to entry in desktop and server markets that is not addressed by the proposed antitrust settlement. This barrier is a result of the monopolistic practices that the courts have held to be in violation of antitrust provisions. As a result I fell the settlement should explicitly address this barrier.

3. The proposed settlement does not adequately require Microsoft to disclose APIs, and gives the company too much latitude in defining what it will disclose. In light of the past history of evasion by this company this can only be described as a loophole big enough to drive a truck through, and we should assume that Microsoft will exploit this loophole in ways that are inconsistent with the spirit of the settelement.

4. The settlement focusses on too narrow a range of products, specifically recent and current products, and fails to account for future products that are intellectual derivatives of current products. In software all that is necessary to create a ''new'' product is to develop a new source code base. This source code base may simply be a rewrite of an existing product, and this is in fact the case with the ongoing evolution of the Windows operating system. Microsoft can circumvent many of the important restrictions in the course of their normal practice of upgrading their products. I feel the settlement should be written to cover all present and future Microsoft operationg systems.

Thank you. I hope that the department of justice will understand the importance of a competition in the computer industry, and will take effective steps to permanently change the behavior of this convicted monopolist.

MTC–00016298

From:
Bradley.Showalter@rich.frb.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I am disgusted at Microsoft's ability to buy immunity. Government officials have a duty to place the good of the people before all else. Do your duty.

Brad Showalter
Richmond, VA

MTC–00016299

From: Don Hugo
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I do not believe that the Proposed Final Judgement in the Microsoft Anti-trust case will affect their current monopoly in the software industry.

The DOJ's settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their apparent displeasure with the agreement by not signing it.

This is just one example of many things that I believe are wrong in this case.

Sincerely,
Donald D Hugo III

MTC–00016300

From: Timothy MacDonald
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

To Whom It May Concern,

I find the proposed Microsoft settlement unsatisfactory. For instance:

—The definitions of ''API'' and ''Microsoft Middleware Product'' are overly narrow, not covering many important interfaces. This would allow Microsoft to obscure key information and thereby render that information that was released useless.
—No part of the PFJ obligates Microsoft to release file format information, even though undocumented file formats form part of the Applications Barrier to Entry.

Regards,
Timothy MacDonald
timm1973@yahoo.com

MTC–00016301

From: Erich Bratton
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00016302

From: Pam Farr
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Proposed Microsoft Settlement

As a person who's livelihood is testing software, I have to let you know that the recently proposed settlement with Microsoft is a bad idea.

Microsoft is a monoculture. We would not plant the same strain of corn, or culture all the same trees or husband only one breed of cows across the country for fear of a devasting disease wiping out the entire group. Anything that allowing the expansion of one system (to the degree Microsoft currently holds) guarantees contraction of all other systems and this ruling smacks of that. In this case, one of the side issues here is national security which needs to be aggressively addressed.

This is potentially bad, bad management.

Sincerely,
Pam Seals

MTC–00016303

From: Perry, Philip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

To whom it may concern:

I'm a computer programmer who works with Microsoft technology at work, and Linux at home. As one who works with both technologies, I think I'm somewhat familiar with Microsoft and how it affects other companies and competition in my industry. And, I'm writing to tell you that settling the case with Microsoft is a bad idea. A really bad idea.

First of all, Microsoft wants above all else to put this case behind it and get back to its main business—squelching innovation by other companies. I've been following this field for years now, since at least 1991, and this company is absolutely without scruple. Whenever they think even a tiny bit of profit may be squeezed out of a potential business, they move in, buy up any companies they can and destroy any companies they can't buy, and seize control of it. This destroys competition, and consumers like me have to settle for Microsoft's inferior version of whatever technology is being seized. It's happened again and again, and now with XP it's happening with media players and plugins. If you look over the situation, you'll see that this company isn't going to stop its behavior unless you, in the DOJ, force it to. They're even breaking into the market for appliances—their XBox is only a first step, the end result of which will be Microsoft products throughout a person's home, and the destruction of competition in a number of other industries like the appliance industry (do you really want to end up with a Microsoft refrigerator? Do you want a

Microsoft television? What will Microsoft be able to do to competitors when it is able to levy that much reach into a users home? And, don't kid yourself about this being a natural result of their current efforts—their manufacturing facilities are able to tool up for any product at all rather quickly, primarily because they outsource everything instead of trying to build it themselves). The sooner you realize that the XBox's radically new manufacturing approach (outsourcing the manufacturing and design, etc) is almost certainly a pilot program for future plans. If it succeeds, there's no telling how far they can take this. I for one don't want to be stuck with only one manufacturer for computers and appliances, and I don't think you want to be either. But if Microsoft isn't dealt with now, that's exactly what's going to happen in a few years.

Consider this: if Microsoft really thought your settlement would hamper their anticompetitive efforts, would they be willing to sign it in the first place? Of course not—they think they've negotiated a way out, and you're going to give it to them if you go through with this settlement. And, remember what happened the last time a conduct remedy was levied. It was broadly ignored.

Please, for the sake of the industry, IT workers, and end users in general, don't agree to a settlement. Pursue this case. Let history remember you as a DOJ that had grit, and followed through on your work, rather than as the DOJ that accepted a settlement with no teeth, allowing Microsoft to further hurt the U.S. IT industry.

Thank you for your time,

Philip Perry.

MTC–00016304

From: Vel Johnson
To: MS ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Florida Should Support Free Enterprise and Settle with Microsoft.

By Edwin H. Moore

Participation in the Microsoft case by Florida's government has alays seemed a bit out of character for a state governed by conservative principles favoring free markets. Now when the prospects of settling this antifree market case are readily available, the attorney general of Florida appears unwilling to join the settlement agreed to by the U.S. Department of Justice. Florida should be a state that encourages innovation, exploartion, and progress, not one that acts a s a hindrance to these ideals.

Slightly fewer than 200,000 Floridians are Microsoft shareholders. Millions more have benefited from the innovative line of products offered by this creative company. Microsoft has gained a dominant share of the software market because it is very good at what it does. Consumers enjoy their products and willingly buy them. Their products are user-friendly because Microsoft spends almost $4 billion annually in research and development. Instead of standing in opposition to Microsoft, Florida should be seeking partnerships with a foward looking company, trying to attract it to spend some of its research and development funds in the state.

Attorney General Bob Butterworth has been recognized as a man of trust and respect. He has accomplished this by staying the course on issues that are of great importance to Florida. In the Microsoft situation, it is hard to see where the greater interests of Florida are served by continuing to contest the case. Frankly, it could be easily argued that the settlement places too many restrictions by government on a company that seeks to expand into new markets, create jobs, develop new products, and serve the public. Moreover, Microsoft contributed about $7 million in charitable contriubtions to Florida in 2000. The other states that are also resisiting settlement here seem to be seeking radical remedies designed to be destructive.

One has to wonder if the intent is to destroy success.

Some states are served by attorneys general who seek to use this case to improve their public position, posing for cameras at every opportunity and doing more posing than policymaking in their approach to this issues. This has not been Butterworth's style. He has never pandered to the media and never appeared to grandstand. Even in this case he has remained low-key and studious. Now is the time for his refelction to determine that this case should be placed on the dust pile of history as a bad idea.

The greatest threat of this case in the first plcace was that an overzealous, antifree market federal government under the former administration would go too far and force a major breakup of what many consider as one of the most innovative organizations in history.

This scheme was rejected by the appellate court and, with a change in administrations, by the federal plaintiffs as well. The current agreement is acceptable because it serves the public's best interest. Microsoft is forced to disclose part of its code, is limited on how it relates to computer makers, and is forced to fund a technology oversight committee to oversee the settlement, responde to complaints, and report to the court. The head of the antitrust division of the U.S. Department of Justice has agreed that the public is well served by this agreement stating, ''The goals of the government were to obtain relief that stops Microsoft from engaging in unlowful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market. We have acheived these goals.''

It is time for Florida to agree.

Edwin H. Moore is president and CEO of the James Madison Institute in Tallahassee, a Florida based non partisian, noprofit research and educational organization.

MTC–00016305

From: daniel.juliano@rainhail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am sending this email in reference to the US Gov't settlement of the Microsoft Antitrust case. My name is Daniel Juliano, and I live in Urbandale, Iowa. I am a Visual Basic programmer for an Insurance company here, which means I spend the bulk of my time programming computer application for various Microsoft environments.

I am not happy with the settlement. It was proven that Microsoft is indeed a monopoly. It is my belief that the settlement will be unable to prevent Microsoft from continuing it's unfair business practices. Have a look at section ''IV. Compliance and Enforcement Procedures'' subsection ''A. Enforcement Authority'' in the final ruling. The first part reads:

''The Plaintiffs shall have exclusive responsibility for enforcing this Final Judgment. Without in any way limiting the sovereign enforcement authority of each of the plaintiff States, the plaintiff States shall form a committee to coordinate their enforcement of this Final Judgment. A plaintiff State shall take no action to enforce this Final Judgment without first consulting with the United States and with the plaintiff States'' enforcement committee.''

And so on and so forth. The problem with enforcement is it all come down to the courts again. Which means Microsoft has the ability to dispute all claims of infraction, as well as drag out the punishment process. Microsoft loves the fact that it can take years in a courtroom to resolve an issue. By that time, the companies they've mauled have long since gone bankrupt. Can't you see that this is the reason the original antitrust lawsuit took so long in the first place?

The only way to enforce the ruling against a monopoly is to break up the monopoly. The longer you wait, the more Microsoft will claim all of its parts are too closely knit with its operating system. Now is the US Gov't chance to strike, please don't let the taxpaying citizens (remember us, the ones who are paying for the trial?) down.

Thanks,

Daniel Juliano

Programmer II

MTC–00016306

From: Grace Loggins
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The Proposed Final Judgment as written allows and encourages Microsoft to continue in its current anticompetitive behavior. It allows Microsoft to retaliate against OEM's who provide non-windows operating systems on new hardware. It allows anticompetitive licensing. It allows Microsoft to create intentional incompatibilities to maintain its monopoly hold on the desktop and applications. It should not be adopted without substantial revision to fix this.

I am a developer who has worked in the computer industry for the last 11 years, programming on Windows and Unix.

I am also a consumer who resents being forced to buy a Microsoft OS in order to buy new hardware.

Grace Loggins
800 John's Landing Way
Lawrenceville, GA 30045

MTC–00016307

From: Michael O'Connell
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this

settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Michael O'Connell
123 West Cliff St.
Somerville, NJ 08876
1–908–722–3387
CC:michael.oconnell@kiodex.com@inetgw

MTC–00016308

From: Trevor D. Manning
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

The proposed settlement is NOT a good idea, as it is riddled with loopholes which a company such as Microsoft will clearly take advantage of.

Be just, and fair. Don't let them dictate their punishment in a swiss cheesed proposal.

Trevor D. Manning
Using Debian GNU/Linux...
and falling off DMR Bikes since 1998.

MTC–00016309

From: Andrew Sterian
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

I am writing to comment upon the proposed Microsoft settlement. I am disappointed at the proposed settlement and believe that it does not provide sufficient remedies to restore meaningful competition to the marketplace.

I am an Assistant Professor of Engineering at Grand Valley State University in Grand Rapids, Michigan. In the field of engineering, there are several important software tools that define the state-of-the-art in engineering practice. The majority of these tools require the Microsoft Windows operating system. In effect, the future of American engineering depends upon Microsoft. This places the U.S.A. in a very precarious position.

When our engineering department buys a new computer, we have no choice but to buy it pre-installed with the latest Microsoft operating system. By charging computer manufacturers for an operating system license for each computer sold, regardless of whether the computer actually has the operating system installed, the computer manufacturer faces extreme pressure to do as Microsoft says and pre-load the computer with the most recent release of the Microsoft Windows operating system. Previous versions of the operating system are simply not available. This is the cause of the ''upgrade treadmill.'' Engineering software developers must spend considerable resources to upgrade their software for compatibility with the newest release of the Microsoft Windows operating system. Engineering departments and students must pay for the newest operating system version and for new versions of the software.

This ''upgrade treadmill'' benefits no-one except Microsoft. The software developers must run fast just to keep up, purchasers of the software must upgrade to the latest version in order to maintain compatibility with the latest Microsoft operating system, and our higher education system, both the universities and the students, must pay for both the new operating system and the new version of the engineering software. There are simply no other options as long as Microsoft continues to force its upgrades on us.

The proposed Microsoft settlement does nothing to break this cycle. Until engineering software developers have a choice of whether or not they must support the latest Microsoft operating system, this costly treadmill will continue, and the engineering skill and talent of Americans will become vulnerable to foreign competition and to the whims of Microsoft.

Sincerely,
Andrew Sterian
Assistant Professor
Padnos School of Engineering
Grand Valley State University
<steriana@claymore.engineer.gvsu.edu>
<http://claymore.engineer.gvsu.edu/steriana>
(616) 771–6756

MTC–00016310

From: kristen-maxwell@cox.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

As an adcanced computer user and United States Citizen, I must dissent with the Proposed Final Judgment in the Microsoft AntiTrust Settlement. The terms of the settlement are both too narrow (only citing 5 middleware components without regard to future implementations) and too short-sighted (addressing specific incarnations of the software and not the underlying practices of the Microsoft dynasty that makes fair competition nearly impossibl). This country has had the wool pulled over its eyes by so-called antitrust legislation before, in what amounted to pats on the head to the rabble-rousers who saw the corporations'' unfair practices for what they were. But in this information age, do not be fooled into thinking that we, the masses, can be placated by token gestures and empty, unenforced policies. Your responsibility lies not in satisfying the corporations, but in upholding the standards of the people of this country. We're watching- do not let us down.

Kristen Maxwell
Kris Maxwell
CC:tunney@codeweavers.com@inetgw

MTC–00016311

From: Dale
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

I am severely disappointed with the ''Proposed Final Judgement'' (PFJ) in United States vs. Microsoft. I feel that Microsoft has had nearly complete control in crafting a document that is highly favorable to their position, and that it allows them nearly unrestrained activity as a penalty for their behavior.

I would really like to see something that directly addresses Microsoft's monopolistic behavior against OEM's and other vendors. I would like to see tha the document allows (interesting use of the word in a free society) OEM's who sell computer systems the unrestrained ability to sell them in any configuration the buying public should choose. As it stands now, OEMs are still afraid to sell a computer system unless it meets with Microsoft's approval, that approval being the ability to sell their operating system at all.

Please address this, and a host of other issues as you substantially revise the PFJ so that it is not a Microsoft-favorable document, but a document that favors the whole computer industry, and indeed, ourwhole society. Punish Microsoft appropriately (which, sadly, the PFJ does not do), and allow the rest of the computer industry to move ahead unrestrained. This is the most American thing we can do, to encourage freedom of choice, and allow our whole economy to progress, free of the stain of monopolistic restraint.

Thank you for allowing me to express my feelings on the issue. —

No one is completely useless. They can always serve as a bad example. — Dale L. Handy, P.E.
dale@srv.net

MTC–00016312

From: Nicolas—
Turk@learningtree.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft settlement

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement.

We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html ''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights ...

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' 1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html

''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric:

Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches.

Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

... While Linux hasn't displaced Windows, it has made serious inroads...] .. In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

... Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally...

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' . . .

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the

same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

MTC–00016313

From: Amy Enders
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Please don't let Microsoft continue to rule over the U.S. Government and the buying public.

MTC–00016314

From: James Miskiewicz
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give comment on the Microsoft Settlement as per the Tunney Act. I am a systems manager at a publishing company, and I use and recommend software on a daily basis.

I do not feel that the proposed Microsoft settlement will have a positive effect on the American economy, because the settlement leaves many areas where Microsoft can get around the restrictions. I feel that the settlement, in its current form, will actually more deeply entrench Microsoft as a monopoly that cannot be shaken, because they will know exactly how to get around the proposed restrictions. As shown with the collapse of Enron, a monopoly does not only hurt competition but can have disastrous effects on the economy as a whole.

Particularly, Microsoft needs to release information pertaining to the Application Programming Interfaces (APIs) used in all Microsoft products, including any operating system that can execute Windows-based code (this includes Microsoft Windows 95, 98, 2000, XP, CE, XP Tablet Edition, X-Box and Pocket PC) with sufficient time for competitors to re-engineer their programs to be interoperatible with those Microsoft products.

Microsoft's monopolistic practices cause everyone to suffer, by hindering growth and innovation in the rapidly changing (and generally very competitive) technology industry. The findings of fact, which confirmed Microsoft is a monopoly, need strict measures to remedy their past abuses and prevent those practices from continuing into the future.

Thank you for your time,
James Miskiewicz
800 Kimberton Rd., Apt. B4
Phoenixville, PA 19460

MTC–00016315

From: Erich Bratton
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement is BAD

Microsoft broke the law and continues to break the law, as has been ruled. The current settlement does NOT force Microsoft to open its API to any and all comers. This is unacceptable and a mere slap on the wrist, versus the full punishment that an aggressive monopoly company that flaunts the law deserves.

Erich Bratton

MTC–00016316

From: Jeff Jennings
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

To whom it may concern:

I would like to register my opposition to the Proposed Settlement. Microsoft has been found guilty of anti-competitive practices, which were upheld on appeal. The Settlement does not prevent Microsoft from continuing these anti-competitive practices.

Thank you,
Jeff Jennings
Advisory Firmware Engineer,
Benchmark Storage Innovations
Boulder, Colorado

MTC–00016317

From: David Haas
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Hello. I would like to comment on a problem I see with the proposed Microsoft settlement.

The remedies of the proposed settlement are specifically geared to protect commercial organizations—companies in business to make a profit. However, Microsoft has stated that their biggest threats come not from competing companies, but from Open Source initiatives such as the Apache web server or the Samba file & print sharing server.

This proposed settlement provides no protection whatsoever to these initiatives. In fact, Section III(J)(2) specifically states that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Section III(D) of the settlement also limits knowledge of API's for incorporating non-Microsoft ''middleware'' (such as web or file servers) to only commercial entities—not open, non-profit initiatives such as Apache or Samba. Any settlement which doesn't prevent Microsoft from arbitrarily changing protocols or API's on its Windows platform to shut out such open initiatives would be a terrible mistake. Microsoft has been found guilty of unfairly using its monopoly in operating systems to extend into other areas and lock competition out. Any settlement with the company should ensure this practice doesn't continue.

Thank you.
David Haas
Graduate Student
University of Wisconsin—Chemical Engineering
1415 Engineering Dr.
Madison, WI 53706
(608) 262–1090
Fax: (608) 262–5434

MTC–00016318

From: Patrick Gearman
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft settlement

To whom it may concern:

Under the provisions of the Tunney Act, public opinion on proposed settlements can be considered by the court. Therefore, again under the provisions of the Tunney Act, I am sending the following comments to be considered by the court.

I feel that the current proposed settlement against Microsoft is not in the public's interest. Among my issues with the Revised Proposed Settlement are the following:

1) Section IV: Compliance and Settlement Practices, Part C: Appointment of a Microsoft Internal Compliance Officer. I feel that the Microsoft Compliance Officer should not be a person designated by Microsoft, and not an employee. Microsoft has shown a pattern of action that has demonstrated that they will lie when it is their best interest. The testimony during the initial trial by Microsoft corporate officers, especially regarding the supposed interdependency of the Windows OS and the Internet Explorer web browser was shown to be falsified. Because of this, and other reasons, I personally feel that Microsoft will not hold to the proposed settlement with regards to this position.

2) Section V: Termination, Part A: The length of the settlement, at five years, prior to any extension ordered by the court, in my opinion, is too short. Given the position that Microsoft is in, as regards the desktop OS market share, five years is not long enough, in my opinion, to be enough of a timespan in order to ensure Microsoft complies fully with the ordered settlement.

3) Section III: Prohibited Conduct, Part J: The proposed settlement does not require Microsoft to document, disclose, or license any of their APIs, Documentation, or portions or layers of communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.

This portion allows Microsoft to continue to ''cut out the middle-man'' by continuing to obfuscate their code, make it more difficult for other software makers to create programs that work with the Windows OS, and hide security flaws with their OS software, as they have already done in the past. It is not in the public's best interest for this to continue, and I believe that a harsher punishment is required in order to effectively curtail Microsoft's previous behavior.

Patrick Gearman
1230 Pendleton Street, Apt. 14–D
Columbia, SC 29201

MTC–00016319

From: John Kehoe
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The proposed settlement as it stands does nothing remedy the actions of Microsoft, which has been found guilty of being a monopolist. The high tech field is an important arena for the US to be competitive is we are going to retain our economic and political power. Microsoft has been found guilty of hindering the innovation the US needs to survive in this area.

The proposed settlement will continue the status quo and puts the United States at risk.

Regards,
John Kehoe

MTC–00016320

From: Trey Merrell
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The proposed settlement is bad idea .

MTC–00016321

From: Jesse DeFer
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Greetings,

I find it distributing that the settlement makes no mention of file format problems. Microsoft continually changes it's file formats causing incompatibility within it's own products and other's products. They do not publish specifications of their file format so that others can write software which can work with them. This forces users to buy Microsoft products even though they may not want to, or cannot afford to buy a modern computer or all of the Microsoft software they will have to buy. Simple releasing specifications of their file formats would allow others to write competing software which would encourage innovation, and improve the computing experience for many people.

Thank you for your time.
Jesse DeFer
Concerned Citizen

MTC–00016322

From: Dr. David Milner
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Sirs:

I feel that the proposed remedies in the Microsoft antitrust case are not sufficient.

Sincerely,
Dr. David Milner

MTC–00016323

From: Mark Histed
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

The settlement proposed by the US Department of Justice in the civil anti-trust action they have brought against Microsoft is badly flawed. This remedy does nothing to prevent Microsoft from leveraging its monopoly on operating system software to give the company's other software a (large) advantage over its competitors.

The Department of Justice has an obligation to enforce effective remedies with respect to Judge Jackson's findings of fact as affirmed by the US Court of Appeals for the DC Circuit. At the very least, they should:

a) allow OEM's to bundle whichever software they like with Windows and b) prevent Microsoft from changing features of Windows to promote their own application software or middleware to extend their illegal monopoly.

Let me draw an analogy. Imagine that the government left the building of the interstate highway system up to private enterprise. For a while, many different companies built different kinds of roads and different kinds of cars that could run on those roads.

(Imagine that some roads had different kinds of grooves that only certain tires could fit into.) Over time, a dominant kind of road emerged. Many companies built cars that would run on those roads and not others. Therefore, one type of road, built by one type of company, became dominant.

This is analogous to what happened in the computer industry in the 80s and early 90s. Many OS's existed, but eventually Microsoft's OS became dominant. There is one key difference, however. Microsoft could roll out a new version of its OS every two or three years, and people would quickly upgrade! This is equivalent to the road company being able to build roads so quickly that they could replace all the roads in the US every two or three years. Now imagine this road-building company started building cars. Of course, it would design the roads so that they would work best with its cars, and so that they would make other competitors'' cars run more slowly. Their cars would enjoy a huge competitive advantage.

This is roughly equivalent to the situation in the desktop computer software market today. Except things are even worse! (This is due to the speed and ease with which software can be distributed.) Netscape once made the best ''browser'' cars, for free, but you had to pick them up at its store (by downloading it). Microsoft starting parking free browser cars all over the roads right up in front of people's driveways. Why would anyone want to go pick up a ''browser'' from Netscape when another one from Microsoft was right there at hand? Netscape tried to park its ''browser cars'' on to the roads, too, but Microsoft prevented them from doing that. (By preventing OEM's from bunding Netscape with Windows.)

Was that a huge advantage? Yes.

Will Microsoft be prevented from doing that in the future by the proposed remedy? No.

For example, Microsoft is still allowed to prohibit OEMs from changing Windows at all—they can still park their free cars right in front of every house. Why would anyone use any other car?

The best remedy in this case would be a market-based one—a capitalistic remedy that separates two different companies from each other so that they can compete rather than collude. In short, that would be Judge Jackson's proposed remedy.

Thanks for reading this.

I can be contacted at the address below.
Mark Histed
PhD student, MIT
histed@mit.edu
US Mail:
MIT, E25–236
Cambridge, MA 02139

MTC–00016324

From: David D. Latham 01
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

To Whom It May Concern,

I wanted to give my opinion to the court about the proposed Microsoft settlement, under the Tunney Act.

I do not believe the settlement to be a good resolution of the case. I do not think it will act as a deterrent for Microsoft to not abuse its power again. I think that if Microsoft knew this would be the punishment for its crime of abusing its monopoly position, that they would not hesitate to do it again, because they gained much more by doing so than they will lose in this settlement. I think that in order to allow competitors to compete, Microsoft should be required to open and document all of the APIs used to communicate between their programs as well as the document formats those programs use. This would allow there to be competing programs which would interoperate with Microsoft programs and provide a fair mechanism for competition. I would be disappointed with anything short of this.

Sincerely,
David D. Latham
U.S. Citizen
david.d.latham.01@alum.dartmouth.org
3125 Wisconsin St.
Oakland, CA 94602

MTC–00016325

From: Steve Damer
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I think the proposed settlement is ridiculous. Microsoft abused their monopoly, and it paid off for them. The only way to stop them from doing it again is to either make them incapable of doing it again (and I don't mean just make them promise to stop), or to punish them so severely that they regret having done it. The proposed settlement doesn't make it impossible for them to do it again (all they have to do is break their promise, and we know they're willing to do that), and it doesn't punish them particularly harshly. I think a much more appropriate punishment would be to require them to publish the Windows API (with further sanctions if someone discovers a discrepancy between what they publish and what the API does). This would strongly reduce their ability to use their operating system monopoly to gain an unfair edge in the sale of other types of software.

Steve

MTC–00016326

From: Thomas Dyar
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

To Whom It May Concern:

As a concerned citizen, university student, and professional software engineer, I believe the proposed settlement between the collective states and Microsoft, Inc. is a bad idea. Although it does seem to address some issues effectively, more emphasis needs to be placed on counterweights that will likely ensure Microsoft's future behavior abides by legal norms and that the goals of a ''healthy'' software market are achieved.

For example, Microsoft is known for its strategy of ''embrace and extend'', very recently exhibited in its employment of the industry-standard kerberos open source authentication protocol within its products. Rather than just ''playing along'' with established standards which have only solidified through many years of work by a wide range of volunteers, university researchers, and individuals at private corporations, Microsoft ''extended'' the kerberos protocol so that Microsoft-kerberos is slightly different from everybody else's kerberos. Just so nobody is confused about the likely ultimate goal Microsoft was pursuing with this modification, the changes made were kept under Microsoft-held copyright, and make interoperability without Microsoft approval impossible.

In order to prevent this ''tinkering'' to inhibit ongoing open source work, the settlement should require that Microsoft publish and license ALL API's on a non-discriminatory basis so free access to these API's and standards is available to both Microsoft employees and the open source community. Currently, the settlement only specifies these API's be ''disclosed''. Compulsory licensing will allow the open source community to implement alternative versions of the published Microsoft API's and go much farther towards a ''level playing field''.

Thank you for your consideration of my remarks,

Thomas Dyar

MTC–00016327

From: Dane Johnson
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Hello,

As both a US citizen and a Software Engineer, I feel it important to express my concern over the proposed settlement in the Microsoft case. I have so many problems with and concerns about it that I don't know where to begin.

Let me just say that, if this settlement is accepted, Microsoft, which has been shown in court to be guilty of illegally maintaining a monopoly, will neither be punished for it's past behavior nor will it be realistically kept from similar behavior in the future. The proposed remedy will at best perpetuate the status quo, and at worst actually enhance some of Microsoft's tactics.

In short, the proposed settlement is little more than a travesty of justice and I find it disagreeable in the strongest of terms. I expect more from my government.

Thank you for your time. —

Dane Johnson—danger@visi.com—http://www.visi.com/danger/

''You ALMOST got away with it, too, but for ONE THING: EVIL isn't ISO 9000 certified!!!''—Lisa Higgins

MTC–00016328

From: Elliott Gorelick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. The original DOJ consent decree failed. The proposed settlement would fail for the same reasons. In my opinion, MS perjured themselves during the trial so they are not going to honestly police themselves.

Elliott Gorelick

MTC–00016329

From: Owen Evans (Technology Services)
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 10:58am
Subject: Microsoft Settlement

I think the MS settlement amounts to little more than a joke and a shameless cave-in to corporate whim. Thanks for allowing Microsoft to force its shoddy products on us for a little longer.

MTC–00016330

From: Alan M. Overton
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I don't have anything more to add than has been published in numerous documents before, but I want to add my voice to the many who believe that Microsoft's ongoing anti- competitive practices have injured the general public through the reduction of the number of software solutions available to meet their innumerably varied needs.

Alan M. Overton
Center for Rehabilitation Technology
Georgia Institute of Technology

MTC–00016331

From: Nathan Willis
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

I would like to add my comments to the Tunney Act ''public input'' regarding the proposed settlement of the Microsoft case. I am unhappy with the settlement in its current form. The remedies proposed contain loopholes, and to assume that they will not be exercised by Microsoft to the detriment of their competitors is naive, turning a blind eye both to the evidence of Microsoft's prior behavior and to their behavior in response to the previous settlement.

I would favor a settlement that imposed strict separation of Microsoft's products (''unbundling''), without exception. The settlement before the Court now does not do this in any meaningful, enforceable way.

Sincerely,
Nate Willis
nathan.p.willis
npw@babel.acu.edu
IM nick: n8willis

MTC–00016332

From: Christensen, Carl M.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I would like to publicly comment on my relief that this case is resolved and that the government will not further persecute Microsoft.

I publicly support Microsoft. I think that many of the details of this cased demonstrate not illegal practices but rather differences in IDEOLOGY. Too many people think that their ideological view is grounds to destroy one of the most successful US companies ... especially during an economic downturn now!

MTC–00016333

From: Ed Starback
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

I am writing in regards to the Microsoft anti-trust settlement. It is ineffective at best. The process of litigation did more to deter there monopolistic practices than this settlement will. Stronger measures need to be put in place to ensure a competitive environment. The fact that they are a repeat offender should also be taken into account. They will see the current settlement as just the price of doing business, and they will continue in their monopolistic ways. Since it will be harder to sue them after this settlement goes into effect, they will probably become even more predatory. A more effective settlement will increase competition, resulting in lower prices and better software, which is to the benefit of everyone.

Thank You
Edward Starback

MTC–00016334

From: revery@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement

I am not satisfied with the current settlement. I have read multiple essays, both for and against the current proposal and I have read the proposal. I appreciate the government's desire to regulate unfair business practices, and typically I am one to favor minimal governmental involvement. However, I do not believe that the current settlement adequately addresses the situation. Primarily, Microsoft is left with too much power to keep its competitors from competing. Not as much in the OS department, but specifically in the middleware (components for the OS) department. By having the freedom to change critical API's and not disclose them until the last major beta release, and not having to release some API's that their own products have full access to, creates an environment that would competition difficult, and in some circumstances untenable.

I appreciate your consideration of this matter.

Charles Churchill II
Durham, NC
revery@mindspring.com

MTC–00016335

From: Lightning
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

The DOJ and the US government should put a stop to Microsoft's monopolistic actions. The current proposal is not sufficient to stop Microsoft's actions and is being sent around as a victory due to many loopholes.

Microsoft has not changed their actions much since the trial started. They have continued their actions, even being allowed to release XP which contains so many things built into XP that they can effectively wipe out their competition due to no one needing to go search the net for a movie player, chat program, or other applications that are much better than Microsoft's version. Normal computer users use what the computer comes with. This means that Microsoft can continue being a monopoly until someone else grows larger but Microsoft makes that impossible by making it extremely difficult for anyone, other than

Microsoft, to talk and interface with the OS from another OS. The same is true for their applications. Microsoft needs to be forced to release all protocols and file formats. There is no reason for them not to release a protocol due to security. Such an entry in the proposal means that they can implement security into all protocols then not release any. If an operating system is designed well, then at least the protocols and file formats it uses can be released without worry about security as it will still exist. Microsoft is continueing to be a monopoly and has so many loopholes in the current proposal that they don't have to change at all. Proposals do not have to be complicated. The more complicated, the easier to find and use a loophole. If the government can not stop Microsoft from what they are doing, who will?

Samuel Seay

MTC–00016336

From: Jason M. Felice
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement As a consultant and business owner in Cronosys, LLC (http://www.cronosys.com/),

I have taken a keen interest in the Microsoft Anti-trust case. As well as reading most of the news reporting of the subject, I've read most of the court transcripts.

As consultants, our business is multi-faceted, one of the things that we do is install Linux Internet servers. Over the years we have had numerous problems with clients'' forced upgrades suddenly preventing communications from the client machine to one of our servers (I'm speaking of all different kinds of servers, not just one particular package—mail servers, file servers, web servers, LDAP servers). A lot of times this is because Microsoft has bent or broken the open standards on which the Internet was built for its own short-sighted gains.

The current settlement does nothing to remedy this. In fact, most of the restrictions mentioned in the settlement, in my personal opinion, will be obsolete shortly after such a settlement agreement is signed—Microsoft is already poised to make it so. With .NET Microsoft can move all of the offending APIs out of the operating system and into a pay-per-use service provider. With the XBox (which the settlement as I interpret it seems to ignore) poised to invade the living room, and then replace set-top boxes, then replace most families'' Internet access—couple this with .NET and they have technologically completely avoided any anti-trust remedy but still avoided any competition.

The best proposal I have heard comes from Richard Stallman, summarized here, but the full text is available at:

http://www.gnu.org/philosophy/microsoft-antitrust.html

1. Require Microsoft to publish complete documentation of all interfaces between software componenets, all communications protocols, and all file formats. 1a) Prevent Microsoft from using non-disclosure agreements.

2. Require Microsoft to use its patents for defense only.

3. Require Microsoft to not certify any hardware as working with Microsoft

software, unless the hardware's complete specifications have been published.
Jason M. Felice
Consultant and Business Owner,
Cronosys, LLC
14701 Detroit Avenue
Lakewood, Ohio 44107

MTC–00016337

From: cap@jfk.CES.CWRU.Edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement
I think the proposed Microsoft settlement is a really bad idea.
C. Papachristou
CC:cap2@po.cwru.edu@inetgw

MTC–00016338

From: Don ''Duck'' Harper
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
I believe the current proposed settlement does nothing to discourage Microsoft from its core business pratices of flexing monolopy powers to stiffle free competention in the area of commercial computer operating systems, web browsers, and the new market of cusumer-driven multimedia.
Thank you,
Donald Harper,
Information Director, Medical Present Value, Inc.
Austin, TX
Don Harper, RHCE, MCSE
DoD #0520 email:
duck@duckland.org
http://www.duckland.org

MTC–00016339

From: Sheilagh
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
Hello,
I am writing as a concerned citizen and will copy this email to paper and US mail as appropriate.
I would like to see Microsoft admit to understanding of the letter of the law, or at least pay some damages. Their size may well have contributed to current economic issues, and here in Austin, TX, it sure would be nice to have the software market opened up again. That is, it would be most beneficial to have Microsoft held to open more of its resources to other software creators, working more cooperatively with open-source developers.
Rather than make a comprehensive answer in this message, I will hope that others add other details, and simply use this message as a ''vote'' to be cast in favor of requiring Microsoft to work more cooperatively with other companies.
thanks,
Sheilagh O'Hare

MTC–00016340

From: Francois Cote
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement (against)
Dear Sirs:
I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and FAR from adequate given the findings of fact in the trial.
Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.
The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.
It is my belief that a very strong set of structures AND punishments must be placed on convicted monopolists to insure that 1) they are unable to continue their illegal activities and pay for past transgressions to the full extent of the law. I do not think that the proposed settlement is strong enough to serve either of these functions.
Thank you for your patience
Francisco

MTC–00016341

From: Tuinstra, Aaron
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
To whom it ma concern,
I'm a systems administrator for a large corporation.
Daily I have to deal with the poor quality software provided by Microsoft. I feel that users both personal and corporation disserve a better product.
The Security is also very poor in their systems. By giving Microsoft a option to put More PC's in schools only advances their market share more!
Please, do something about this problem, I feel that our economy is stagnate because of the time and money corporations spend on fixing Microsoft's problems.
Aaron Tuinstra
Midnight Software
N11546 Old us 41 RD
Daggett, MI 49821

MTC–00016342

From: John Koetsier
To: Microsoft ATR
Date: 1/20/23 11:00am
Subject: This Microsoft Settlement Is Bad
The Microsoft settlement is bad for consumers, bad for business, and bad for government.
The slap on the wrist so far extracted from Microsoft in no way compensates for the many and serious harms this company has caused to companies such as Netscape, Apple, innumerable others, and consumers all over the United States and beyond.
Also, any settlement by which Microsoft simply has to distribute MORE of its products in the marketplace ... one of the very problems that occasioned this entire legal battle ... is simply too ludicrous to credit. A proper settlement would be paying for installations of competing products such as Linux servers and Macintosh computers. Microsoft argues that the US economy would suffer if it was restrained.
The opposite is true. Rid the marketplace of Microsoft's stranglehold, and you will see a flowering of creativity, investment, start-ups, and ideas the like of which we haven't seen since the glory days of the dot-coms. This renaissance, however, would have a chance to take root and flower.
john koetsier

MTC–00016343

From: CurtisJudd@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:01am
Subject: Microsoft Settlement
The proposed settlement does very little to prevent Microsoft from future infractions of antitrust law. Additionally, MS has benefitted monetarily as a result of their practices and this settlement does little to enforce any sort of compensation to those companies and individuals that have sufferedas a result (Netscape, for example has been all but stifled out of the market—theyhave received no compensation for MS's anticompetitive practices).
Curtis Judd
10511 E Eleanor Maldonado Pl
Tucson, AZ 85747

MTC–00016344

From: Eric Aitala
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement
HI,
I believe that the Mircosoft settlement was just a slap on the wrist. They should have a far more severe penalty imposed.
The company has practiced predatory business tactics for far too long and should be stopped..
Eric Aitala
Eric Aitala—University Webmaster
aitala@olemiss.edu—http://www.olemiss.edu/depts/it/webmaster
321 Powers Hall 662–915–7822

MTC–00016345

From: Robb Greathouse
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
The settlement is unfair. Microsoft has used its monopoly power to destroy competitors and has set back the field of computing years.
I am on a project that used XML. We have found that integrating with Wordperfect and all other wordprocessing programs has only taken a fourth of the time that integrating with Microsoft's word product. The product is built to make it deliberately difficult to integrate with it. This makes it difficult for competing products to provide Word compatibility.
I believe that Windows should be put in the public domain and that Microsoft should be barred from further purchases.
Robb Greathouse.

MTC–00016346

From: commercialkurt99@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am

Subject: Microsoft Settlement

Ladies and gentlemen,

I followed the Microsoft anti-trust case in newspaper accounts as it wound its way through the legal system. I thought that Judge Penfield did a good job of arbitrating the interests of justice in this case—to me it was clear that Microsoft is a predatory monopoly, always pushing to find the absolute maximum line of profit, regardless of ethics or the interest of the public. They have sought to achieve dominance in every aspect of the high-tech world, and their sheer size guarantees that other more innovative players get coerced or shoved aside.

I believe that the only just resolution to this case would have been to break Microsoft into two companies— an operating system company, and an applications company. I am also particularly outraged that one of the ''remedys'' proposed is to have Microsoft donate a large chunk of product to the school system. That comes from the school of ''Well, if you gotta pay, you might as well pay in a way that hurts your competitors more.'' I urge the Department of Justice to take a hard line on

Microsoft.

Kurt Liebezeit

MTC–00016347

From: brian@i33.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing today to express my disapproval of the current settlement against Microsoft.

I have read through the settlements, and I feel it is not effective in reducing the monopolistic actions of Microsoft, nor is it effective in encouraging competition.

I beleive that a stronger and stricter settlement is in order to prevent this monopoly from perpetuating.

Sincerely,

Brian Yee

MTC–00016348

From: Craig Van Degrift
To: Microsoft ATR
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

Department of Justice,

I have used computers since 1961 and owned them since 1978. It is with great frustration that I watched excellent software and innovations be destroyed by Microsoft's strongarm tactics.

Their forcing of IBM to stop supporting OS/2 was especially painful as I had been using OS/2 for 6 years and had written a Japanese-English Electronic Dictionary program for OS/2. OS/2 was an excellent operating system, far superior to any offering from Microsoft at the time.

I now teach computer programming languages and the Linux operating system at Los Angeles City College Community Services. Much effort is expended working around Microsoft's secret or deviant protocols.

The greatest exercise of their monopoly position, however, is with computer hardware manufacturers. It is extremely difficult for competing operating systems to gain market share when the manufacturers are strong armed by Microsoft licenses.

Capitalism does not work when there are monopolies and Microsoft is most certainly a monopoly that must be broken up. It must be forced to obey published industry standard interfaces. It must be prevented from using its monopoly power against hardware manufacturers. It must be prevented from selling both an operating system and the applications that interface with it. A monopoly in the computer industry moves too fast to be treated with the same process as Standard Oil a century ago.

Craig Van Degrift
Kanji-Flash Softworks
2121 Redrock Court
Los Angeles, California 90039–3549

MTC–00016349

From: John Helms
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I write today to express my concern for the proposed settlement in the Microsoft/DOJ anti-trust case. The settlement reached by the DOJ and Microsoft is FAR short of the goal of addressing Microsoft's abuses in the marketplace.

Please readdress this matter and include not only tougher sanctions against Microsoft, but actually punish them for their abuses against this nations consumers and other companies.

Until Microsoft is brought under control, we consumers will see continuing reduction in choice and steady increases in price for Windows based software. I also write from the unique viewpoint of a Linux user. Because of Microsoft's dominant monopoly position in the market, I find it incredibly hard to use my chosen system in a productive manner. Without government intervention I will find myself facing a steady barrage of Microsoft's proprietary file formats (.doc, .xls, polluted java, C#, MS XML, etc) that require the use of Microsoft products. As well, in the hardware arena it becomes increasingly difficult to find devices that have device drivers that work in my chosen operating system, even though my OS runs on exactly the same .x86 platform.

This settlement should require the following of Microsoft:

1. Force them to open their proprietary file formats used in MS Office, Internet Explorer, and Outlook, Outlook Express and Exchange.

2. Create a watchdog group that keep track of Microsoft's attempts at further efforts to ''lock'' the consumer into future proprietary file formats.

3. Fine Microsoft for all of their past illegal activities and make sure it goes back to all of the parties, consumers AND companies, wronged by their unscrupulous deeds.

4. Take a hard look at their activities in the ''boot sector'' and ''dual boot'' arena, such as their actions against BeOS and attempts to block computer manufacturers from selling multiboot systems. By ''boot sector'', I mean the fact that Microsoft has designed their operating systems to overwrite any previously loaded operating system entrys in the boot sector thereby attempting to restrict consumer choice.

5. I am also a computer tech. Microsoft claimed their introduction of Internet Explorer into Win98 was for the consumers benefit and caused no harm to the consumer. This is completely untrue! Any technician who had the misfortune to have to work on Windows 98's first version can attest to how often the system failed BECAUSE of Microsoft's shoddy attempt to include Internet Explorer in the operating system. This cost consumers an immense amount of money, probably into the billions of dollars in repair costs, data loss, and lost productivity.

6. Microsoft also claimed that Internet Explorer was not a seperate application and could not be removed. You simply have to go to http://www.98lite.net to find the truth. Yes it can be removed and once it is removed the problems I mentioned in number 5 are greatly reduced.

7. There is an open source project called Wine. This project is an attempt by open source programmers to recreate an environment in Linux and other operating systems to be able to run Windows applications without the use of any of Microsoft's intellectual property. They have made great progress but without help from Microsoft, may never have the ability to run applications with the same quality as they run in Windows. Please consider forcing Microsoft to give up this much needed information so that Wine can run Windows apps. Doing this will allow consumers and developers a choice in the marketplace.

In closing let me say that the current settlement reached by the DOJ and Microsoft stops far short of stopping their monopolistic efforts. I can think of NO other sector of our economy where a single company has so much control. I can think of NO other product where there is not at least ONE other competitor on the store shelf next to it. The computer and software industry in this country is ill and Microsoft is the disease. Please, for the good of the consumer and this nations economy, STOP MICROSOFT ONCE AND FOR ALL!

John Helms
107 Chase Ave.
Cashmere, Wa. 98815
jhelms@crcwnet.com

MTC–00016350

From: Tadas Osmolskis
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: I oppose the proposed settlement

I am a citizen of the United States, and a computer professional with 22 years of experience in the field.

Having read the proposed remedy, I am deeply concerned that it will not address the pattern of misbehavior that Microsoft has been engaged in consistently for the past decade. I also believe that the proposed remedy does not address the concerns of one of the major potential and actual competitors that Microsoft has: the free software/open-source software communities.

While I am not in full agreement with some of the rhetoric, I agree with the first two of the three remedies proposed by the Free Software Foundation (which can be found at http://www.gnu.org/philosophy/microsoft-antitrust.html).

A summary of these is:

1) Microsoft would be required to publish complete documentation for all programming interfaces and file formats, and would be prohibited from using any interface or file format which is not fully-documented.

2) Microsoft would be required to use any patents in the field of software for defensive purposes only.

In addition to providing a level playing field for *all* Microsoft competitors, the two proposed remedies above would be far less administratively burdensome, involve much less involvement by the government in Microsoft's management, and would go a long way in preserving Microsoft's ''freedom to innovate''.

Thank you for your consideration of my views in this matter.

Tadas Osmolskis
11801 Rockville Pike
Apartment 1409
Rockville, MD 20852

MTC–00016351

From: Patrick Finerty Jr.
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Hello,

I am writing to express my dissatisfaction with the Microsoft Settlement reached by the DOJ and Microsoft. This settlement inadequately addresses the overly broad market power wielded by Microsoft while simply establishing another bureaucracy that is supposed to police Microsoft's behavior.

Recent history has demonstrated the inability of the courts to address the anticompetitive practices of Microsoft in a time frame suitable to the pace at which Microsoft and other so-called tech companies conduct business. By the time any action has been taken, some companies no longer exist and Microsoft has effectively won the battle. It is doubtful that any other group would be able to act more rapidly when faced with the overwhelming legal resources of a company like Microsoft.

I encourage you to implement a more effective remedy.

Sincerely,
Patrick J. Finerty, Jr., Ph.D.
http://finerty.net/pjf

MTC–00016352

From: dabailey@neubayern.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed Microsoft settlemnet is a bad idea. MS has a past history of unfair competetive practices and ignoring previous rulings against them. I don't believe the proposed settlement will fix the current problem.

MTC–00016353

From: WendtinMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft settlement

I am glad the DOJ has followed the example of the individual states that have settled. For the sake of of the thousands of people employed by the technology industry, and agreat American company, please finalize this settlement and end the lawsuit for good. Microsoft has contributed a great deal to our economy and we owe it to them to end this controversy.

I am a home computer user and like the compatibility of Microsofts different programs. I have no desire to use a combination of their competitors products that do not work together. Microsoft has agreed to share some of their technology with their competitors, as well as give billions of dollars of their products to schools. Please finalize this settlement and save our tax dollars from being wasted on needless lawsuits.

Gary Wendt

MTC–00016354

From: Martin Euerle
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea for number of reasons, some of which are:

1) It provides to many loopholes for Microsoft to continue their previously court proven illegal behavior.

2) Their previously court proven illegal behavior prevents many companies from developing new products because they know that they can not fairly compete against Microsoft, this lack of a level playing field hurts our economy and our country's future.

3) The proposed settlement makes our government look weak, susceptible to improper influence or at best incompetent. All of these undermine our citizens belief in our governing system which is far worse in the long run for our country than having 1 company strictly dealt with for a decade of illegal behavior.

Thank you for your time,
Martin Euerle

MTC–00016355

From: dunbar@cyberspace.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am already leaving Microsoft products behind, and turning to Linux; beware that the decision made regarding this settlement will have great significance to Linux's future: beware that DOJ does not create precedent whereby Microsoft can manufacture issues with Linux. That would take on the apearance of scandal, to consumers such as myself. Somewhere, DOJ hasn't seen the issue from my perspective, I hope now you will:

Try to uninstall Macromedia Flash from Internet Explorer 5 thru 6. Cannot use traditional uninstall, results of non traditional removal results in a different irritation in place of the Flash upgrade messages.

Microsoft excludes whatever it wishes to exclude; and as any other entity would also act, Microsoft buys whatever functionality it wishes to incorporate. Internet Explorer is based on Mosaic, from University of Indiana,

Urbana-Champlain campus; not developed by Microsoft—what browser development costs are involed when college students created the core? Rhetorically speaking, What development efforts have been expended by Microsoft? I'll answer that: efforts to embed Mosaic, under a new name, into Windows. Consider also that the mechanisms whereby new software is created has been a stronghold of Microsoft: most programming languages which are in widespread use are Microsoft owned. Yet information is not exchange in a timely fashion unless the destination is a Microsoft entity—then the information flows freely.

Consider the licensing issues regarding new PCs, the company manufacturing the PC must suffer if they do not install Microsoft products?

Is any of the activity regarding Microsoft's .net activity regarding exclusion of Opera Browser considered fair and open by the people using Opera?

Consider the generoosity of corporations who donate older PCs: Microsoft placed a new retroactive license restriction on the software, but without any licensee agreeing to it! What kind of contract is Microsoft drawing up?

Really—the perception of benevolence has already slipped from association with the Microsoft name; the multibillion dollar status of the founder is clearly caused by overdone profit margins: divide a percentage of those billions by the number of licensed Microsoft products, then deduct that amount from each license.

Personal Reply is not expected—definitive DOJ suppression of Microsoft—I mean action—is expected. Currently, the computing public sees difficult times ahead of them, Windows XP (eXtra Profitable) places people further into Microsofts enslavement. Because people cannot tell Microsoft how to develop a product (the homeowner surveys are few and acceptable responses are predefined), because the people fear the learning curve associated with the only other operating system which will work on their hardware (x86 architecture), they will not seek a change. Was the south much different before Lincoln freed those slaves??

MTC–00016356

From: John D. Ballentine III
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement—do not agree that it goes far enough

I believe that the proposed settlement in the Microsoft anti-trust proceeding does not go far enough to prevent future monopolistic behavior. The part that concerns me is that there are no mechanisms in place to prevent a repeat of the actions described in Caldera vs. Microsoft. In that case, they added code to Windows 3.1 specifically designed to make it appear to fail when run on top of DR–Dos, an alternative to MS–Dos. They have never apologized for this behavior, and still show tendancies to do this again. Unless outside intervention happens, they will have no incentive to stop this. As currently written, I see no mechanisms in place to stop this in the proposed settlement.

Thank you.
John D. Ballentine III

MTC–00016357

From: Gary L. Withrow

To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed DOJ Microsoft Settlement is NOT in the public interest and should not be approved by the court.

Thank you,
Gary

MTC–00016358

From: Kelly Byrd
To: Microsoft ATR
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

The proposed settlement is bad idea. There are many problems with the settlement, I'll focus only on one here.

Under the proposed settlement, Section III.A.2 Microsoft is not prevented from taking action against an OEM who ships Personal Computers that includes a non-Micorsoft Operating System. A proposed change to the section is:

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ... The Personal Computer market flourishes when OEMs can offer a variety of products to customers.

These OEM should not be punished for offering choices. If the OEM choose to sell Personal Computers with a Microsoft Operating System and also Personal computers with a non-Microsoft Operating System.

The market should determine whether or not they are successful. Section III.B. requires Microsoft to offer unspecified Market Development Allowances to the top 20 OEMs. Why not all OEMs? Historically the Personal Computer market has been full of players and this extreme competition has benifited the consumer in many ways.

KB

Do or do not. There is no try''

MTC–00016359

From: King, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I am in full agreement with the objections raised by Dan Kegel at:

http://www.kegel.com/remedy/letter.html

Michael

Michael King mking@zebra.com

QA Software Tester

Zebra Technologies Corporation ph: 847–955–6942

333 Corporate Woods Parkway fax: 847–821–1795

Vernon Hills, IL 60061

MTC–00016360

From: Joseph M Siegmann
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

MTC–00016361

From: Aaron Charlwood
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

Hello—I'd like to voice my feelings on the proposed Microsoft anti-trust settlement.

To truly open up competition in the operating systems arena, I feel that ALL of Microsoft's existing and future APIs should be publicly published, that their license agreements should be rewritten to eliminate any restrictions on redistributing components critical for the operation of competing products on all existing and future Microsoft operating systems, and that an independent, non-Microsoft affiliated enforcement body should be appointed to ensure that Microsoft remains compliant with revised terms of its settlement.

Diversity and competition are crucial elements of a successful ecosystem. Monocultures do not encourage robustness in the face of disease or predation. I urge you to encourage innovation, and discourage ethically questionable business practices.

Sincerely,
Aaron Charlwood

These opinions do not necessarily reflect those of my employer, nor have these opinions been approved or sanctioned by them.

MTC–00016362

From: kenk@boxerlearning.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:01am
Subject: Microsoft Settlement

To whom it may concern.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The settlement does not solve the problem. Microsoft would be allowed to keep the profits it gained through actions the court has shown to be illegal. Competitors who were unfairly treated would not be compensated. The monopoly that Microsoft illegally created would be allowed to continue unchecked. Microsoft has broken the law. That has been shown clearly in the courts. The response here is essentially to create new laws to restrict Microsoft's actions. If the only punishment for breaking a law is to have new laws enacted, then what dis-incentive is there for breaking the new laws? Microsoft has made it clear that it will do anything it can to increase its monopoly. It has taken virtually every legal action available, and has taken several illegal actions as well. This was demonstrated clearly in the court case. It is not appropriate to trust them to change their actions. They must be forced into compliance with the law.

The problem is that Microsoft will do anything that it feels it will make a profit from. If it sees that it will make a profit from taking actions that happen to be illegal, it will do so. This corporation has demonstrated repatedly for several years that the only issue driving it is profit. Therefore, it is vital that the government make it clear to Microsoft that violating the law is not profitable. This settlement does not do that. It leaves Microsoft with a hefty profit, and it leaves Microsoft's competitors crippled by Microsoft's illegal actions. This in no way presents a disincentive to Microsoft to continue their illegal activities.

Thank you,
Ken Kelley

The opinions expressed here are my own personal opinions and do not necessarily represent those of anyone else at this or any other corporation.

Ken Kelley
Senior Programmer
Boxer Learning, Inc.

MTC–00016363

From: jwwerpy@mmm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I feel compelled to write about the Microsoft Settlement because I feel that the settlement reached between the Justice Department and Microsoft wholly and completely fails to address the issues of the case. The settlement will be ineffective and unable to stop any future illegal monopoly practices undertaken by Microsoft.

I feel the Justice Department has been fooled by Microsoft into accepting an agreement that has been crafted by Microsoft to be extremely vague and almost completely unenforceable. I also foresee that if certain actions that may be called for in the settlement occur, that Microsoft will take exception and head back to court to stall any type of enforcement against their business practices. I believe that the court should decide Microsoft's punishment because over time they have shown no desire nor any ethics or fairness in any negotiations. Only a severe court mandated punishment will be enough to force Microsoft to stop its anti-competitive practices. Only the court will be able to stand toe to toe with Microsoft and force them to obey. I believe that given any opportunity to skirt any responsibility Microsoft will. The decision of the court should be firm and binding on Microsoft from now on for all current and future products they may release.

Microsoft's practices have irreparably harmed the IT industry in ways that may never be known. They have continually destroyed or subverted competitors who if they had survived and/or thrived could have generated truly great innovations for IT.

The only fair punishment is to make them play fair. Microsoft should be forced by the court to release the full API (application programming interface) to all of it operating systems. A independent group should be formed to monitor their performance in this area, any undocumented interface found by the group should subject Microsoft to very large fines for every day the API specifications are not complete. This action would truly unbind the entire IT industry from what has been the core of Microsoft's strategy, making their software incompatible with everything except their software and subverting open standards within the IT industry.

Thank you for your consideration,
Jason Werpy
werpy@brookings.net

MTC–00016364

From: Thomas, Stuart P—Raleigh, NC

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

The proposed settlement applies no damages for past misconduct, which it should. I DISAGREE with the proposed settlement.

Stuart P. Thomas

MTC–00016365

From: nuage@asc3fda4.hydro.qc.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement

Hi,

I am a canadian citizen but I feel anybody it the world who was at anytime forced to use MS-Windows should have the right to disagree with the settlement.

I really wish IBM OS/2 had not been ''killed'' by Microsoft monopoly. After reading the court's findings of facts anybody should realize that Microsoft is ''Pure Evil'' and should be treated as such.

I wish that the Judgment should last at least FOREVER and not for a little five year. MS has harm the PC industry for way more than five year, and it's not finished yet.

How could MS repay the harm done? It's impossible to calculate. It's a shame death penalty is not applicable to companies because It's the only settlement that would satisfy me. MS has ''murdered'' so many other companies.

Sorry to be so rude, I am always filled with hatred when talking about Microsoft and if you knew me you would be supprised I can feel this way because I am a very calm and non-aggressive person.

Best regards.

MTC–00016366

From: gfejer1@pobox.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

To Whom it may concern,

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust case. Microsoft's anti competitive practices have not changed, and past actions show that Microsoft has no intention on changing it's practices. The proposed settlement does nothing to insure that this will change.

Microsoft said that they'd behave themselves when it was discovered that they were using undocumented Application Programing Interfaces (APIs) to speed up their own programs while not disclosing those APIs to competitors. They said that they would behave when it was discovered that they had threatened original equipment manufacturers (OEMs) that tried to sell competing office suites.

Microsoft has continued it's anti competitive behaviors in a long list of ''strange coincidences'' that were conveniently timed to help Microsoft while hurting its competition. When installing Windows 95, America Online (AOL) ceased to work properly at the same time that Microsoft started pushing their competing Microsoft Network. Palm's hot-sync stopped working properly under Windows 98 when Microsoft was pushing Windows CE, their palmtop operating system. MS Java was found incompatible with the Java standard when MS realized that this technology would allow applications to be independent of a specific operating system.

I have repeatedly heard the question, ''When has Microsoft hurt the consumer?'' They have cost companies billions in security problems. Consumers were, in effect, not allowed to use a competitive Office suite because of MS's illegal tactics to expand its monopoly. Many consumers were forced to spend hours with tech support to solve problems with their internet connection (AOL) or Palm device or cave in and switch to the corresponding Microsoft product.

Most importantly, the proposed settlement does not punish Microsoft for repeated prior offenses. Under the current proposed settlement, Microsoft merely gets a stern warning to not repeat the crime in the future.

Sincerely,
Gergely Fejer
Software Engineer Cary, IL

MTC–00016367

From: H
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I believe the proposed settlement will do little to curb Microsoft's monopolistic domination of desktop computer software. There is much in the proposed settlement that is ambiguous and would allow Microsoft to define terms, e.g., ''API'' and ''Microsoft Middleware'', and then state they are in compliance based on their definitions. I also believe the proposed settlement will be harmful to Open Source software. Since Open Source applications tend to be on non-Microsoft operating systems, any resulting loss of market share by Open Source software indirectly harms competing operating systems.

Sincerely,
Henry A. Greer
1511 E Mead
Spokane, WA 99218

MTC–00016368

From: mattsimerson@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Call me old fashioned but shouldn't the punishment fit the crime? From a consumer perspective, I've been forced to pay for dozens of Microsoft licenses that I've never used and couldn't sell (OEM bundled) without challenging Microsoft lawyers. This is not a consumer friendly policy of Microsoft's and I couldn't blame Dell either because they were force fed that agreement in order to install a Microsoft OS on any of their systems. They further abused their monopoly with the bundling of IE with the OS that consumers were forced to purchase with their PC hardware. Microsoft has been been found guilty of abusing their monopolistic powers. In such a case the ideal sentence is one that will:

a) compensate those affected by the abuse of power.

b) prevent the occurrence of such abuse in the future.

c) satisfy the general publics insistence that justice be served.

With these concerns in mind, I propose a two tiered solution. The first is compensation to those already affected by the abuse. It would be nearly impossible to determine a specific dollar amount to distribute to each abused consumer and then identify each consumer to compensate. Such a process would also require so much beauraucracy that it would negate the consumers benefit. Instead, a dollar amount ($x) should be determined that represents the amount of money Microsoft received from consumers through less than legal business practices. Since direct distribution of that sum to consumers is impractical, the money should be distributed in a fashion that will directly benefit consumers. There are several possibilities here but the ones I would prefer would not just punish Microsoft but enhance competition in the OS market.

1. My first suggestion is using ($x) to fund alternate OS development. In the desktop OS market, Microsoft only has one real competitor and that's Apple Computer. Some fans of other OS's (myself included) would be quick to champion other OS's like Linux or FreeBSD but the facts are simple. Consumers can't walk into CompUSA and buy a machine running anything but a version of Windows or Mac OS. However, making Apple the sole benefactor of a Microsoft punishment would only benefit a small number of those affected by Microsoft's ill behavior. We have to keep in mind that our primary goal is not to simply punish Microsoft but actually encourage competition in the computer software industry and thus benefit consumers. With that goal in mind, I would recommend taking ($x) and placing into a trust. The trust's charter should be drawn up with the sole objective of encouraging the development of alternate operating systems for consumer desktops.

There are currently quite a few organizations that could benefit from having a big brother with deep pockets to assist them in their OS development work. A few examples of such organizations would be:

Open Software Foundation for their work on the Mach microkernel. (portable OS bootstrapping code)

Central Michingan Univ.: Contributions to Mach and kernel portability

Apple Computer: Sponsors of Darwin and Authors of Mac OS

RedHat: Sponsors and distributors of Linux

FreeBSD foundation: Sponsors of FreeBSD

There are quite a few other ''stub'' projects out there that have promise but these are the only projects that have had any impact at all on consumers. Each of the aforementioned companies has an OS that a consumer can install and use. Apple is the only one with a polished OS product the masses can use. RedHat and FreeBSD have stable OS platforms but their primary focus is on the server side. They would have an attractive alternative to Windows if they were financially enticed to do so.

2. The next issue to address is keeping Microsoft from abusing their monopoly in the future. There's a lot of potential for different ideas here but lets adopt a Keep It Simple S approach. One of the main advantages

Microsoft has in the software marketplace is their OS monopoly status. A simple way to help negate this is mandate that all their software releases (for programs like Internet Explorer, Office, etc.) ship concurrently on each of the three most popular OS platforms. An example of this would be their next version of Microsoft Office or Windows Media Player would have to ship simultaneously for Windows, Mac OS, and Linux and include full interoperability between the OS platforms. This mandate would accomplish a lot for the consumers. Microsoft has a knack for inventing or altering standards when they make something for Windows. If their software applications had to support other OS's, they'd have to either adopt the communities standards (a win for everyone) or make their alterations common across all platforms (and thus a new standard that the community can choose or ignore). I think those two measures would impose a fair penalty upon Microsoft, allow them plenty of room to innovate and stripping them of their Monopolistic advantages. It will also leave the community with more choices.

Matt Simerson
397 4th Street
Atlanta, GA 30308

MTC–00016369

From: Duncan Lowne
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

Microsoft must not be allowed to buy their way out of causing irreparable damage to the software industry. Aside from the previously highlighted unfair business practices that have run rampant in the Redmond Giant, their manipulation of the justice department and their blatantly contemptuous attempt to use the settlement for their own gain is reprehensible, and must not be ignored. I appreciate that the proposed settlement was rejected, but I strongly believe that a COMPLETELY impartial 3rd party must be brought in to craft a fair settlement for all sides involved.

Sincerely,
Duncan Lowne
Software Engineer
Cleveland Medical Devices, Inc.
Cleveland, OH

MTC–00016370

From: Ethan Hartman
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

The proposed Microsoft Settlement is unfortunately, far too weak and will not resolve any of the problems created by the MS monopoly. In fact, the settlement may well act as a tool for further anticompetitive practices: for example, the provisions for disclosing technical specifications are only for commercial interests—this would exclude many nonprofit and free software projects, especially the Samba group, which makes software critical for interoperation with MS windows.

Check out http://samba.org for more information on their critical work. This is software I and many other people use every—if MS could use the proposed settlement to deny requests for specifications (and perhaps even fight efforts at reverse-engineering under the DMCA) then this settlement would be doing real damage instead of helping to fix the MS problem.

Microsoft must be heavily restructured, or have the source code of its operating system forcibly opened. The prevalence of their software has made them unprecedentedly powerful—this company, which has a history of ruthlessly misusing its influence, cannot be allowed to continue along its course towards total monopoly. This settlement will allow MS to do exactly that. I hope for all of our sake that an effective solution can be found. We will all regret a mistake in this case.

MTC–00016371

From: Paul Bennun
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: MS Settlement

I write to state my opposition to the proposed settlement of the MS case. I can see no way that the short- or long-term economic prosperity of the US is helped in this instance.

paul bennun

MTC–00016372

From: Geoff Peacock
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea. It does not do enough to stop their unfair business practices.

Geoff Peacock
geoff@acan.net

MTC–00016373

From: Derek Flynn
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust case. The software industry is young and a competitive marketplace will re-emerge if companies are willing to compete fairly. I feel that the only way to ensure that companies will compete fairly is to make it clear that they will not profit from illegally manipulating the marketplace. Microsoft should not be allowed to profit from its illegal actions, or else others will try to follow in Microsoft's footsteps. The proposed settlement is a slap on Microsoft's wrist and will encourage others to use similar illegal business practices.

Sincerely,
Derek M. Flynn
801 S. Wells #1011
Chicago, IL 60607

MTC–00016374

From: Robert C. Ramsdell III
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Dear Sir or Madame,

As a business user of Microsoft operating systems and software products, I am very concerned that the proposed final judgment in the United States vs. Microsoft antitrust lawsuit is not in the public interest. I am writing to express my concern over this judgment. The ways that the final agreement fails to restore a competitive software and operating system marketplace include, but are not limited to, the following:

1) The Judgment defines too narrowly the applications and APIs the terms of the settlement apply to. As defined, only listed Microsoft middleware programs are considered to have APIs of interest. This means that Microsoft is free to obstruct the development of competing products by changing the APIs of important programs that are not listed as ''Microsoft Middleware''. The list of applications that the Judgment refers to is similarly narrow, and leaves out important programs such as Microsoft Outlook, Microsoft installer programs, etc. In addition, it appears that Microsoft can avoid even the restrictions on listed products by simply renaming or replacing the programs.

2) Microsoft is not required to release API information in a timely manner. Microsoft is only required to consider the interests of competing software vendors whose products meet ''reasonable technical requirements'' seven months before new releases of Windows. However, Microsoft is not required to disclose the API information these vendors need in anything like enough time to meet those requirements (whatever they may be). Indeed, since Microsoft is only required to release information at the time of the final beta release of it's software, these requirements can be evaded by simply scheduling the beta release less than seven months before the final release!

3) Microsoft is not required to document file formats. These formats are a crucial interface to Microsoft software that the Judgment fails to address at all. As it stands, Microsoft can use undocumented file formats to ''lock up'' not only the software customers use, but the customers'' own data in the files. Moreover, under the DMCA, Microsoft can write it's licenses in such a way that customers are not even allowed to ''reverse-engineer'' the file formats to retrieve their data.

4) Microsoft is not required to disclose any patents it holds, thus exposing competing vendors to uncertainty about any patents they may be infringing, even when they use information provided by Microsoft under the Judgement.

5) The enforcement provisions are too soft. As it stands, a Technical Committee is set up with investigative powers. However, the committee has no power to enforce any of it's findings. Thus if Microsoft decides to ignore, evade or obstruct the Committee, the only remedy would be to return to court. In the past, Microsoft has shown both the willingness and the capacity to subvert court decrees against it. Unless strong enforcement powers are built into the Judgment, Microsoft has every incentive to subvert this Judgment as well, and take it's chances in court while continuing any anti-competitive practices.

Please take these comments into consideration and strengthen the Judgment to truly restore a competitive operating system and application software market.

Sincerely,

Robert C. Ramsdell III
5528 Middaugh Avenue
Downers Grove, IL 60516

MTC–00016375

From: Alex Fajkowski
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

I am very opposed to the Microsoft Settlement that allows them to write off their debt to society by ''donating'' their badly written and over-valued software to our schools. Forcing a decision down our schools throats like this only makes them repeat customers of bad software in the future.

Please let schools make better decisions instead of tying their hands. Instead, the settlement should be paid out completely in cash to schools for better libraries, facilities, and budgets to purchase whatever they need.

Do not make the mistake of letting Bill Gates corrupt America's youth just like he has corrupted the rest of corporate America.

-Alex Fajkowski
801 N Monroe St, Apt. 414
Arlington, VA 22201

MTC–00016376

From: bucky@phantom.keystreams.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

As an American citizen, I want to voice my opposition to the proposed settlement for the Microsoft anti-trust case.

I feel that the proposed settlement gives Microsoft too much freedom to damage and undermine the Free Software movement. I feel that the future of the internet and computing in general depends on having a viable open-source alternative, and Microsoft should not be allowed to prevent that.

Sincerely,
David Brandt
60 Harriet Avenue
Belmont, MA 02478

MTC–00016377

From: eric@mantis.styx.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Hello,

I'm writing to express my extreme dissatisfaction with the proposed Microsoft Settlement. It does nothing to prevent the company from leveraging its monopoly power in future, nor does it punish them for all he grief they caused in the past.

As a U.S. Citizen, I feel that it is important to preserve competition in a real sense in the world of human creativity. This agreement only pays lip-service to ideals of competition, while really giving MS a blank slate on which to define how they want the computing world to be.

It is unacceptable. It must *not* be the settlement. It fixes nothing, and stifles creativity.

Yours sincerely,
Eric Moncrieff eric@groovy.net

''Their imaginations insisted that nobody changed much from day to day. Their imaginations were flywheels on the ramshackle machinery of the awful truth.''
—Kurt Vonnegut, Jr., ''Breakfast of Champions''

MTC–00016378

From: Marcia Baczynski
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed Microsoft settlement. My two main objections are as follows:

1. APIs are too narrowly defined, which will easily allow Microsoft to flout the spirit of the settlement.

2. The settlement does not cover the intentional incompatibilities that Microsoft has historically introduced into accepted standards specifically for competitive purposes (as opposed to technological improvements).

Thank you for your consideration.
Marcia A. Baczynski
Jersey City, NJ 07302

MTC–00016379

From: Jon LeBlanc
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: My Opinion on Proposed Microsoft Settlement

Under the provisions of the Tunney Act I wish to make my concerns over the proposed Microsoft settlement known to you. I am a Canadian citizen who travels and does business in the U.S.A. frequently. I consider the proposed Microsoft settlement to be insufficient to redress the harm done by Microsoft to consumers and competitors in the past, and unsatisfactory to prevent future harm by Microsoft. Specifically but briefly, the proposed settlement fails to acknowledge or take into account competing operating systems such as Linux. This is an astonishing oversight, causing provisions of the proposed settlement to act as barriers of entry to such Microsoft competitors. Essentially, the proposed settlement guarantees Microsoft the capability to thwart the success of competitors'' operating systems by withholding critical inter-operability information.

I am absolutely opposed to the proposed Microsoft settlement.

jon.leblanc@mybc.com

MTC–00016380

From: Dharm Kapadia
To: Microsoft ATR
Date: 1/23/02 11:09am
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am vigorously opposed to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Also, the proposal provides inadequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

I applauded the Clinton administration's courage to prosecute Microsoft for their anti-competitive behavior and was disgusted by the Bush administration's decision to acquiesce when the government had the superior position by rule of the full bench of the U.S. Court of Appeals. The Department of Justice's (DOJ) settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their displeasure with the agreement by not signing it. Also, the Attorneys General of 9 states and the District of Columbia found the proposed settlement to be substantially inadequate.

The market must be able to return to a state of healthy competition. One can look at the market for PC microprocessors to see the value of true competition. Intel Corp. had a large market lead in microprocessors, but Advanced Micro Devices (AMD) was able to gain market share with superior products at a lower price. Both of which were in the public's interest. There were no anti-competitive moves by Intel. In fact, Intel was pushed buy the quality and public acceptance of AMD's products to make a better microprocessor at a lower price. At no time was the consumer public ever harmed by this healthy competition.

Microsoft is another story. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. They use predatory business practices, restrictive licenses, and threats to OEM's, ISV's and their customers to maintain their monopoly. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions, their lack of remorse, and their arrogance towards the law and the general public.

More importantly, the proposed settlement does nothing to correct or punish Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' only the instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust and speedy settlement just for settlement's sake. A wrong that is not corrected is compounded and magnified. The proposed settlement it is obviously a sham, a Bush administration sanctioned gift. Not even a slap-on-the-wrist, this proposed settlement does not address past wrongs nor does it prevent future anti-competitive behavior. The finding of fact which

confirmed that Microsoft is a monopoly requires strict measures which address and punish the practices they have engaged in the past while at the same time prevent them from engaging in other monopolistic practices in the future.

Thank you for your time,
Dharmendra Kapadia
Software Consultant

MTC–00016381

From: John Post
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement
1/23/2002

Dear DOJ,

I am writing to express my disappointment with the proposed settlement for Microsoft. The current settlement does nothing to address the real problem, which is Microsoft's abuse of its monopoly position on the desktop computer.

I am very proud to be an American, and I hope all Americans hold their freedom as dear as myself. When a company abuses a monopoly position, it is an action which threatens the freedoms of all American citizens.

Please discard the current proposal and ask for industry assistance to arrive at a fair and productive judgment. I gladly offer my time to serve the public on a board to organize and present possible solutions that restores our freedoms.

Sincerely,
John Post
Assistant Professor
Arkansas Tech University
Russellville, AR 72821
john.post@atu.edu

MTC–00016382

From: Jim Begley
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

I'd like to register my comments on the proposed settlement in the Microsoft antitrust case. I'm a software developer with 18 years of professional experience in the industry. Simply put, I'm strongly opposed to the proposed settlement. There are a number of specific problems that I see, but a couple of the biggest are: the proposed settlement's enforcement mechanism is inadequate; the mechanism for release of information to independent software vendors is flawed; and the definitions used in the proposed settlement are too narrow or too misleading to be effective. In general, I feel the proposed settlement does not go far enough to punish Microsoft for its past anti-competitive practices, nor does it go far enough to prevent Microsoft from repeating the behavior. Today, Microsoft is again attempting to use its monopoly in desktop operating systems to establish monopolies in other areas, areas in which there are better third-party products available, just like it did with web browser software. Some examples include audio and video media players (Windows Media Player), online authentication (Microsoft Passport), and instant messaging (MSN Messenger). If these Microsoft products obtain dominant market positions in the next few years, it will NOT be because of technical superiority, more features, or better customer support. It will simply be the result of Microsoft's bundling of these applications with each operating system sold and limiting access to competing applications through agressive licensing tactics.

Thank you for your time.
Sincerely,
Jim Begley

MTC–00016383

From: Walter
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft settlement

One of the things that bothers me about the proposed settlement is that one is still FORCED to purchased a license from Microsoft for any computer sold by a mainstream computer manufacturer.

I have reviewed the proposed settlement and one of the MANY loopholes is that this problem is not addressed. I have no need for Microsoft products but must still pay for them. I, in effect, must contribute to maintenence of the Microsoft monopoly.

Why?

I oppose this proposed settlement.
Walter MacArthur
Dallas, TX 75238

MTC–00016384

From: Bob Marriott
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to express my opposition to the Proposed Final Judgment in the Microsoft case. Microsoft is a monopolist who will take advantage of the wording in this document and continue to use its monopoly to the detriment of consumers and competitors. I have believed for several years that the company needs to be broken up into multiple companies with appropriate oversight into its ongoing activities.

Sincerely,
Bob Marriott
3 Brook Way
Westborough, MA 01581
bob@marriott.cncfamily.com

MTC–00016385

From: Coyote
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed settlement is a bad idea
Christopher Michael Werner
1870 East 38th Street
Brooklyn, NY 11234

MTC–00016386

From: David F. Reynolds
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the settlement that Microsoft is proposing is a bad idea. The ''donations'' of hardware and software to schools does nothing but erode the user base of other vendors (both commercial and open source) in what is now their main venue. This in effect rewards Microsoft for anti-competitive behavior.

David Reynolds

MTC–00016387

From: Dan Garthwaite
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Thank you for this moment to be an active citizen, I'll be brief. Here I sit, working for a Fortune 500 company, using Microsoft's Outlook email client, the number one propagator of modern computer worms, viral or not. I am, by trade, a UNIX Administrator, but am forced to use the very product that causes myself and my company's resources so much energy to clean up after, time and time again.

When, in computer's short history, did we become subservient to the software? I believe it was when it left the hands of researchers, academia, and hobbyist, and left the ''courts'' of peer review. Not that our company doesn't generate a large portion of its revenues from developing closed source software, but our products are designed by engineers according to procedures of peer review and built upon accepted standards that were borne of the purpose of interoperability between computing efforts. Microsoft, with it's constant onslaught of Embrace and Extend, and/or simply annihilation of its competition via acquisition, and its understandable position of subservience to it's shareholders to ever maximize its shareholder value, expose themselves to no such review.

Indeed, they mustn't, for to do so is to open themselves to litigation by those shareholders. In this capitalistic republic, what investment firm doesn't own a piece of Microsoft, and in that light, what Market participating American? Microsoft is forced to continuously break the law for the purpose of self-preservation unless a stronger motivator (government regulation) suppresses the ability of its shareholders to litigate.

The proposed settlement does nothing to curb Microsoft's future actions, certainly does nothing to reprimand past actions, and the proof of both is that even in light of Judge Jackson's findings, and the proposed settlement, it hasn't changed any of it's illegal monopolistic leveraging. That alone should be proof that the proposed settlement is entirely un-enforceable, and in-effectual.

-Dan Garthwaite
Science Applications International Corporation
An Employee Owned Company

Opinions stated in this document do not reflect the opinions of SAIC, it reflects the opinion of one of SAIC's many employee owners.

MTC–00016388

From: Barden, David R
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

bad settlement. it will not accomplish the intent. MS has not mended it's abusive

domineering ways one iota. They are the 800lb gorrilla stanidng in the way of innovation and healthy competition. We consumer have little choice but to be led about by the nose by MS as they continue to pour out new versions of buggy insecure bloatware. Only by viable true competition will they be forced to focus on improving their product not just their bottom line.

MTC–00016389

From: Kalanga@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Dear Sir-

I have read the proposed settlement, and have the following comments:

1. J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business. This seems like letting the fox guard the hen house and will allow Microsoft to effectively get around this sanction. I believe either the court or some non-microsoft entity be allowed to make the necessary findings

2. Microsoft is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters.

Again this seems like letting the fox guard the hen house. Microsoft should have no ability to influence the membership of the technical committee. The court should appoint independent members and should pay for the committee from a fund established for the purpose. Microsoft should pay for this fund but it is the court that should determine its disbursement.

Sincerely,
Larry Galka

MTC–00016390

From: Josionroad@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft settlement

Everyone is working to get the economy back on line. Why are you continuing to harass Microsoft? Please get with it and get off their back so we can get on with building the economy. Thanks. Josi Roth

MTC–00016391

From:
russell.petree@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

I am an American citizen by birth, a tax payer by virtue of that citizenship, and a taxpaying citizen who feels that I am about to be betrayed by the very agency that was established to provide me justice as defined by the Constitution and the laws of the land.

The courts found Microsoft to be a monopoly and to have illegally used that monopoly power. As that is the findings of the court your job is to remedy that finding. The proposed settlement by the Department of Justice does not even begin to address the issues of contractual bundling, middleware bundling, restoring competition to the operating systems market or deal with Microsoft's latest assault on the free market of the United States, Windows XP.

I call upon you today as a US citizen to act in the best interest of myself, my children, and my fellow citizens and hold Microsoft accountable for their illegal activities. Turn away from the modus operandi of the Clinton era that fails to punish criminals and actually encourages criminal activity. Do not reward Microsoft for their illegal activities as the current settlement does.

Even if you fail to compensate the legions of companies and people who's livelihood was destroyed in the wake of the illegal ramagings of the 2-ton gorilla that is Microsoft, at least protect us from further assault on our free market and Microsoft's attempts to undermine the infrastructure of capitalism as we know it. Let us be frank and realistic. Microsoft's tentacles are quickly extending into and engulfing various other markets fueled by their illegal manipulation of the operating system market.

The future of capitalism itself is now in YOUR hands. Do yourselves, your department, and your country proud, hold Microsoft accountable.

Russell Petree
PC Life Cycle Management Technical Lead
Sprint Asset Management Repository (SAMR) Technical Lead

MTC–00016392

From: mdj@shufflemasterrd.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the MS settlement is a bad idea. Bad for consumers, bad for the future...

Mark Jackson
Shuffle Master, Inc.
724 Whalers Way Bldg H Suite 200
Ft. Collins, CO 80525
Phone: (970) 377–4131
email mjackson@shufflemaster.com

MTC–00016393

From: Aaron Pavao
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

The Proposed Final Judgement contains misleading and overly-narrow definitions and provisions, as illustrated by the following points. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

Thank you for your consideration.

MTC–00016394

From: Charles Coffing
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

I wish to express my dissatisfaction with the proposed Microsoft settlement. In particular, my complaint is this: No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). I use Open Source software exclusively at home, yet Microsoft still does indirectly pressure me to use their products, due to their proprietary and undocumented file formats, used by others. Microsoft makes it clear: Either use their products, or be cut off from the rest of the computing world. This ties many to the Microsoft monopoly. If neither the open source community nor other commercial software vendors have access to documentation of Microsoft's CURRENT file formats, the barrier of entry is huge. The proposed settlement will do little to increase competition. It must be reworked to force Microsoft to open file formats, to both commercial and non-commercial entities.

Sincerely,
Charles Coffing
Software Engineer
home: clc@alum.mit.edu

MTC–00016395

From: Roy Milican
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Greetings,

I am writing concerning the current proposed Settlement with Microsoft for its flagrant anti trust violations. The current settlement is completely unacceptable. Not only are they not being held responsible for enough money in damages they have caused to the many companies they have hurt or destroyed wielding there monopolistic

powers. There is nothing put in place to prevent them from doing it again. Since the swearing in of President Bush they have already relaxed and gone back to there old ways. I have been in the computer industry since I was 14 years old (now 25) and seen there damage over the years. I truly believe they need something as strict as the AT&T breakup to really open up competition in the operating system and software industries. This will be the only way a computer maker could put a OS on there machine other than Windows without fear of repercussions from Microsoft. I urge you do not settle like this. Do something that will actually make a difference. If you don't in another 5–10 years it will just be back again to haunt you.

Sincerely,
Roy James Milican
San Diego, CA
Roy Milican
rmilican@anonymizer.com
Network/System Administrator
http://www.anonymizer.com

MTC–00016396

From: David Vollmer
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft
From: David Wednesday, January 23, 2002

The antitrust trial record on the Netscape demise is a monopolist's cookbook, a chronicle of bad faith and anti-competitive acts. Microsoft saw a threat to its dominance and responded with a ferocity that would merely have been ugly before it had a monopoly but which was illegal afterward.

Please act to provide the public with alternatives to Internet Explorer!

David Vollmer
4801 Thurber Lane
Santa Cruz, CA 95065

MTC–00016397

From: Pry Tim—tpry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Tim Pry
Unix Systems Admin
Acxiom Corporation
tpry@acxiom.com
Office:(501) 342–8004
Pager:(888) 420–8626

MTC–00016398

From: David Brownell
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Settlement is barely a slap on the wrist!

Hi,

I'm working on a more detailed response, but just in case It has problems getting in before your deadline, I wanted to make sure at least this comment got in.

The proposed settlement, and even to a large degree the amended version proposed by states including California, is too weak. It does not provide effective redress, penalty, or prevention. Rather than deterring an illegal monopoly, it is taking legal steps to institutionalize it.

Rather significantly from my perspective, it is also strongly biased against non-commercial software development, such as Free Software initiatives. Its rules on disclosure of interface material make it possible to hide information from organizations that are organized for the public interest rather than for money-making. And the lack of requirement for Microsoft to meet conformance tests for their specifications means that the true standard will need to include a buglist from Microsoft—where that buglist is under stronger controls against disclosure (to those that most need it) than even the original specifications.

This proposed settlement is flawed, anti-competitive, and anti-consumer.

- David Brownell
Software Engineer
Palo Alto, CA

MTC–00016399

From: Bailey, Jason (NBA)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

The currently proposed settlement with the Microsoft corporation is a travesty of justice for consumers worldwide. Microsoft's constant maneuvering and anticompetitive practices must be stopped if we are to ever have alternatives in the software market. Attorney General John Ashcroft could not be farther from wrong in stating that this decision will end ''Microsoft's unlawful conduct.'' This decision will have little to no impact on Microsoft's damaging and illegal business practices.

The settlement, most significantly, fails to restrict Microsoft from including anticompetitive terms in its licensing agreements. Microsoft would still be permitted to restrict what types of applications run on Windows, as well as making it illegal to run Microsoft applications on any other operating system. This convenient non-restriction of licensing directly goes against the nature of this settlement: it does not stop Microsoft from continuing anticompetitive business practices. It has been shown in court that Microsoft has purposely induced software incompatibilities in order to harm a competitor's product. Why does this settlement take no stance in forbidding these intentional attacks on Microsoft's competing software providers?

This settlement fails to protect Original Equipment Manufacturers (OEMs) from retaliation by Microsoft that would negatively affect their businesses. The settlement would allow for Microsoft's continued persecution of OEMs that choose to ship computer systems that are not re-installed with a Microsoft operating system. If there is to be any change in the consumer market, OEMs must be allowed to offer consumers viable choices without fear of retribution from Microsoft. This settlement needs to contain provisions to that effect.

Also, the settlement does very little to extend the provisions of this settlement to Microsoft products developed in the future, allowing illegal anticompetitive practices to continue with new versions of Windows and Windows-based products, such as Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered.''

The proposed settlement allows and encourages significant anticompetitive practices to continue, allows for Microsoft to continue to delay the emergence of competing Windows-compatible operating systems and software. This settlement should not be adopted without substantial revision.

Sincerely,
Jason Bailey
Network Administrator
St Louis, MO

MTC–00016400

From: chelsie1@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

TO WHOM IT MAY CONCERN:

MY HUSBAND AND I WANT TO SAY, NO WE DO NOT SUPPORT THE SETTLEMENT BUSH MADE WITH MICROSOFT.

THANKS GEORGE AND CYNTHIA HIMMER

CC:CHELSIEHI@YAHOO.COM@inetgw

MTC–00016401

From: dfarrand@wyoming.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Dear Sirs,

I'm writing this to express my opposition to the proposed Microsoft Settlement. Microsoft in my view and in the courts view is a illegal monopolist who has seriously damaged many companies and the software/computing industry in general.

Microsoft Word and Excel are the defacto standards for document exchange. You cannot be in business without owning these applications. Most people get these apps when they buy their computer. Generally Word and Excel are included if you are buying Microsofts operating system on a new system.

However, if you do not buy windows, you have to purchase Office through retail and the cost is $500.00. This is an outrageous price and proves the lie that the MS monopoly has been benign for the consumer. A similar application called Apple Works that provides 80% of the functionality sells for $79.00. MS is able to maintain it's price point for Office because they control the document format and you have to be able to read and write in that format to do business.

Any settlement of the MS monopoly should force MS to make the complete document format for WORD and EXCEL public domain—they should also be forced to provide translator code for all competing platforms.

I think there are also serious problems with MS's active suppression of JAVA and it's .Net initiatives.

Recently it has been reported that many of the patents for Open GL (a competitor to MS directX 2D/3D imaging model) have been transferred to MS by SGI for the purpose of damaging Open GL. Much of the vulnerability of the internet is directly

related to the unnatural dominance of MS products on desktop and servers. Any settlement must recognize the huge costs that have been indirectly inflicted on people through their negligent attitude toward security. It is their monopoly status that permits them to ignore the poor quality of their products without suffering in the market place.

The proposed remedy is no remedy at all and in fact will further damage competitors, consumers and the computing industry in general

Regards
Dan Farrand
President, Green River Computing
PO Box 1101
Pinedale, Wyoming 82941
307–367–2276

MTC–00016402

From: Knox North
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Hi,

I am writing to let you know that I strongly desire that the settlement with Microsoft should go through. I believe that the resources applied to this effort should be refocused in other areas.

Monopolies are all about restricting choice. In my non-legal view, it's silly to say that Microsoft is a monopoly as long as there is choice. If I want a better operating system, I can choose Apple's. I'll pay more, but it is better. If I want to pay less, I'll choose Linux. It's not as good, but it's free. It would seem that Microsoft has successfully found the sweet spot of not-too-expensive and good-enough. I don't think they should be punished any further than what you have negotiated.

Thank you for considering my views.
Sincerely,
William K. North
(Retired)

MTC–00016403

From: George King
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

The proposed Microsoft settlement is bad idea. This company continues to abuse it's monopoly power even while claiming to be trying to settle.

George King
Columbia, SC 29209

MTC–00016404

From: Carl Youngblood
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

I think the proposed settlement between the U.S. Dept. of Justice and Microsoft Corporation is a bad idea. Microsoft has used its monopoly power to eliminate the market share of many good companies that have offered better software than it has.

Cordially,
Carl Youngblood
98 E 600 S #21
Orem, UT 84058

MTC–00016405

From: David Gabler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

My name is David Gabler,

I am writing you to tell you my disappointment with the proposed Microsoft settlement.

There are many loop holes written into the agreement that allow Microsoft ways to not abide by the intent of the agreement. Some examples are:

—Enforcement. There is no method/means of enforcement. What is to keep Microsoft from breaking the rules. There need to be stiff penalties.
—Microsoft is trying to shift their market to next generation products however this agreement does not cover those products, e.g. tablet pc's.
—The definition of API omits many useful and necessary API's In addition to this a very large barrier to entry remains, file formats. No file formats are required to be disclosed.

Please do not agree to this proposal with out taking into consideration the comments on Dan Kegel's webpage, http://www.kegel.com/remedy/letter.html.

David Gabler

MTC–00016406

From: Kevin Caldwell
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

no to microsoft

MTC–00016407

From: Elias Lutfallah
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

Hello,

If the goal of the settlement is to end the Microsoft monopoly, then the proposed settlement is inadequate for the task.

One of the proposed items as I understand is to require Microsoft to open their code to allow handheld devices, servers, and networks so that smaller companies have a chance to compete. Initially this may help companies get a foothold in the industry, but ultimately this will only reinforce the Microsoft stranglehold on the world as it relies on the existence of Microsoft.

One practice of Microsoft has been to ''embrace and extend'' publicly accepted protocols. For instance they may take the publicly discussed and agreed upon protocol for wireless networking, and add their own features. While the features may or may not be worthwhile, by disregarding the RFC for the given protocol, they now have their own proprietary protocol that undermines the rest of the industry.

I suggest that any changes to a standard set by the RFC process that they wish to implement must be proposed and accepted into the RFC standard before acting on the change. At least this way people would have a chance to react and influence the desires of Microsoft, as well as be prepared for changes.

This is just one aspect of the settlement that I have chosen to respond to, hoping that my contemporaries will address the other issues.

Thank you for your time,
Elias Lutfallah
Chicago, IL

MTC–00016408

From: John Klapp
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

The settlement is a sham and demonstrates contempt of the law. It will do nothing to prevent or deter Microsoft from continuing their corrupt, illegal and damaging business practices.

John Klapp

MTC–00016409

From: Kevin Butler
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

I am writing in opposition to the proposed final judgment in United States v. Microsoft. As a professional software engineer, I have repeatedly seen Microsoft abuse its market position to extend its monopoly into new markets and to destroy upcoming competitors. Microsoft has used various means to do this, including:

—hiding technical information (delaying or not publishing APIs, protocols, and file formats)
—introducing technical incomatibilities (introducing artificial limitations in compatibility and extending standards in incompatible ways)
—restrictive license agreements (requiring use of products only on Microsoft operating systems)
—restrictions in contracts with resellers (preventing modifications to Microsoft operating systems or inclusion of 3rd-party products)

The proposed final judgment does not include sufficient penalties or restrictions to either reduce the gains Microsoft has received from these illegal actions, or to prevent Microsoft from performing similar abuses in the future.

Kevin J. Butler
Software Architect
Campus Pipeline, Inc.
1073 S 2230 E
Spanish Fork, UT 84660

MTC–00016410

From: Dennis Roberts
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

Hi, my name is Dennis Roberts. I do not agree with the proposed settlement. I do not think Microsoft should be broken up or fined. My view is so other companies and properly complete that all of the Microsoft file formats (i.e. Word, Excel, Powerpoint, etc.) must be made publicly available. In my opinion the operating system doesn't matter. Microsft Office matters. People use Microsoft's operating system so they can use Microsoft Office. They do this because everyone uses Microsoft Office. If the file formats are open

then other products that not only run on Microsoft Windows but other operatings systems as well (i.e. Linux) will be able to interoperate with Microsoft Office thus allowing competition from products like Sun's StarOffice suite.

Thank you for your time.

Dennis Roberts
16520 North Road Apt. B106
Bothell, WA 98012
Home number: 425–741–0427
Work number: 425–288–4262
e-mail: dennisr@spacerodent.org

MTC–00016411

From: Puga, Jim
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

By settling the antitrust case against Microsoft, the government has handed over the keys to the kingdom. The settlement is a bad idea and I hope that the powers that be take another look and realize how bad things will become if the settlement goes through.

MTC–00016412

From: Bill Lipa
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To Whom It May Concern,

I am a software engineer and entrepreneur with 15 years'' experience in the field of personal computer software development, including the cofounding of a successful Internet company that was sold to Electronic Arts for more that $40 million.

I read the news of the Microsoft settlement with great dismay. It appears certain that under this settlement, Microsoft's predatory and criminal behavior will continue unabated. I believe that the continued existence of the Microsoft Windows monopoly is a direct personal threat to my earning power. That is because venture capitalists are extremely reluctant to fund any company that might compete in a market that Microsoft enters. Since Microsoft enters pratically every revenue-generating software market, there are a greatly reduced number of opportunities for entrepreneurs like myself.

I believe that Microsoft has already leveraged its operating system monopoly into a monopoly in Internet browsers. This is an extremely dangerous development because despite the collapse of the dot.coms, the Internet will continue to grow in importance to American businesses and consumers, becoming a fundamental utility like water and electricity. I urge that the settlement terms be amended to mandate that Microsoft make the following inclusions in its Windows distributions:

—include the second most popular Internet browser, in a manner where it is as prominently displayed and as easy to use as the Microsoft browser.
—include the latest version of the Java Runtime Engine, again in a manner where it is as prominently displayed and as easy to use as any comparable Microsoft technology.

Sincerely,
William Lipa

MTC–00016413

From: Bryce Verdier
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Proposed Settlement is a bad idea

Dear DOJ;

I have been following the microsoft case since the beginning, and recently it has come to my attention that I can voice my opinion about how badly you are handling the punishment that is due to microsoft for their unethical practices.

Please do something, this company was proved to use monopolistic practices to keep their company on top. In my own humble opinion this is a form of terrorism, a company takes illegal measures to help fulfill its goals, stepping on everyone and everything that gets in its way. Including the American Government.

You, my govnerment, are the only ones that can stop this, now would you please help me to put some faith back into the system!

Sincerely,
Bryce Verdier

MTC–00016414

From: Dan Rozinsky
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the settlement reached in the Microsoft anti-trust lawsuit does not address the true issue. Microsoft seems to be punished for their behavior, in a limited sort of way, while avoiding the creation of a competitive marketplace.

For this lawsuit to be truly successful in breaking the Microsoft monopoly it must insure that competitive and compatible operating systems be allowed to exist. At this time microsoft is taking legal action against lindows.com, a project which aims to create a compatible, competitive operating system to windows.

The steps I would recommend are as follows.

1) Take direct and immediate action to protect Lindows, WINE and other windows emulators from Microsoft lawsuits and interference.

2)Force Microsoft (and ANY Operating Systems manufacturer) to make the complete specifications of their operating systems available so competing projects can create compatible and competitive products in the future. This does not mean that source code must be released. That is copywriteable and can be confidential. What is important is to realese the details of WHAT the OS does, not HOW the code does it.

3)Prohibit ANY Operating Systems manufacturer from producing brand specific software. IE: if it runs on Microsoft Windows, it should also run on Lindows, WINE, or any other OS built to the Microsoft Standard. The final consideration is where to draw the line between Operating System and application. It seems to me to be a bad idea to prevent the manufacturer from packaging applications (word processors, web browsers, games, etc) with the operating system. This is one method of offering the consumer added value. Quality of support would be another. It comes down to this: No Operating System developer can be allowed to keep the specification of any part, module, or element of their OS secret. No operating system manufacturer can be allowed to inseparably integrate the Operating Sytem with the Application. The Operating System will be known as the code which controls the computer's hardware, volatile memory, non-volatile memory, inputs, outputs, and provides a code interface for the development of applications.

If these rules are implemented MOST of Microsoft's product would be legal, requiring only small adjustments and some release of documentation. Elements of windows, such as the graphical interface, Internet Explorer, Wordpad, notrepad, Paint, the phone dialer, would be protected as Microsoft's property, available only in Microsoft products. However, Internet Explorer would be removable and replaceable. The Office suite of products would be available to run on any competing OS. The Windows GUI could be replaced by competing products.

Perhaps a fourth and final consideration, that no software be available exclusively with the operating system should be considered. As I read your decision I see that some of this has been addressed, though the OS market does not seem to be opened to competition. Please reconsider this.

Yours in competitive practices,
Daniel Rozinsky
1545 Route 9W, Apt 1A
Marlborough, NY 12542
danr@bestweb.net
(845)236–3549

MTC–00016415

From: Windes, Edwin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I'm opposed to the revised proposed Final Judgment to resolve the United States'' civil antitrust case against Microsoft.

The definitions and terms used in many areas of the PFJ are overly narrow, and thus will not require Microsoft to alter its behavior. I'm specifically concerned that Microsoft will be able to frustrate attempts by ISVs to create compatible middleware.

Ed Windes
Software Architect
OpenTV, Inc.
Naperville, Illinois

MTC–00016416

From: Donald Daugherty
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

Donald Daugherty
6225 SW 170 Ave
Aloha, OR 97007
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the

wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
D.R. Daugherty

MTC–00016417

From: Al Barrs
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:10am
Subject: Microsoft Settlement
Al Barrs
4731 Georgia Road
Greenwood, FL 32443–1839
January 23, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Al Barrs

MTC–00016418

From: Tom Malone
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To Whom It May Concern:

The proposed settlement in the Microsoft antitrust trial does not even attempt to address all of the anti-competitive practices that Microsoft is engaged in. Nor does it force Microsoft to correct its actions. Microsoft as a company is built on the credo ''All computers everywhere running Microsoft software and only Microsoft software. And they have done a good job of reaching that goal.

Most of the ''settlement'' only helps to keep the Microsoft monopoly alive. While the rest of the ''settlement'' does nothing to prohibit Microsoft from abusing its current position in the operating system market. These are important oversights given the seriousness of Microsoft's past practices.

Microsoft was and is an extremely big player in the operating system/software market. As such they should be forced to open up and allow people to take full advantage of their innovations. By intentionally disabling and crippling other companies software any hope for innovation is lost. US citizens deserve more. They deserve the right to choose how and what they do with their computers. By allowing Microsoft to continue in its current manner that choice is lost.

Sincerely,
Thomas Malone
Manager of IT Systems and Administration
Lancer Insurance Company
370 West Park Avenue
Long Beach, N.Y. 11561
Phone: (516) 431–4441 x3230
Fax: (516) 889–5111
E-mail: tmalone@lancer-ins.com

MTC–00016419

From: Jonathan Younger
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

I have read the Microsoft Settlement and I do not believe that it will curtail the illegal practices of a convicted monopolist. As a U.S. citizen I do not think that the U.S. should be bending over for any company and it appears that is exactly what is happening with this ''settlement''. Microsoft, acquired and maintains their monopoly position through the use of illegal business practices and this ''settlement'' does nothing to prevent future abuses.

I am against this settlement.

Concerned Unites States Citizen,
Jonathan A. Younger
1419 Crystal Springs Drive
Woodland, CA 95776–5779

MTC–00016420

From: Frank Shotwell
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: I disapprove of the proposed Microsoft settlement

The proposed Microsoft settlement, which is up for public review, does not do nearly enough to open up the playing field for software competition. With the entrenched monopoly that Microsoft now holds, I don't think anything short of requiring Microsoft to fully expose it's software API will be successful in encouraging important competition in OS and software markets.

Thank you for considering my opinion. I hope that you'll continue to work with Microsoft in dismantling the most extensive and dangerous monopoly of our time.

Respectfully,
Frank Shotwell
1418 Jenifer Street
Madison, WI 53703
fshotwell@yahoo.com

MTC–00016421

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

TWTMC:

I think the proposed settlement is a bad idea. The settlement does not do enough to level the proverbial playing field.

—Michael McNeany

MTC–00016422

From: Fullmer, Boyce
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

I have reviewed the documents related to the settlement of the Microsoft antitrust case and have to comment.

I am deeply disturbed that the revised ''Proposed Final Judgement'' will be completely ineffective as it currently exists. The definitions therein are often so restrictive that the judgement would eliminate any benefit to those it harmed the most. It currently ignores the most significant opponent Microsoft has which is the not-for-profit organizations, which include the Linux development coalitions. It also contains several loopholes that Microsoft is already planning to use. But most of all it is too narrow that it only restricts anti-competitive activities dealing with the operating system, browser, and middleware thereby allowing them to assert their illegal monopolistic influence in several other emerging markets. If I could enact a remedy, I would invalidate all their patents and have them publish the source code for every product they have produced. I realize this is a bit draconian and would never happen, but it would be much more effective in reducing the entry into Microsoft dominated fields by competing interests.

Please do give Microsoft additional opportunities to abuse their monopoly under the guise of a settlement to ''unfetter a market from anticompetitive conduct''.

Thank you for your efforts in doing what is best for all concerned.

Sincerely,
Boyce Fullmer
Systems Architect

MTC–00016423

From: Joshua Gruber
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Concerns about the proposed Microsoft settlement

I am very concerned about the proposed settlement with Microsoft. We have seen that Microsoft is more than willing to use dirty tactics to subvert or avoid restrictions imposed by the court or in written agreements. Microsoft has broken the law and a clear and unavoidable consequence of

their actions must be a punishment that will actually force Microsoft to consider changing their contempt for the law. In addition to ignoring Microsoft's history of contempt for the law, the proposed settlement contains as one of its conditions a huge boon to Microsoft: penetration of a new market. In effect this settlement allows Microsoft to dictate that the fines it should rightfully be paying for its criminal actions must be used to purchase Microsoft products for use in schools. Instead of allowing schools to purchase the software and hardware that best suits their needs, Microsoft is pulling off a coup. Microsoft is forcing schools to spend money in a way that aids Microsoft. This is money that Microsoft should legally have forfeited all control over because of Microsoft's criminal actions.

Please do not allow Microsoft to get out of this situation so easily.

Sincerely,
Joshua Gruber
Partner
i-Xplosion.com, Inc.

MTC–00016424

From: marc
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

I am an american citizen registered to vote in Texas. I believe the only true resolution to microsoft's crimes is to split the company up. The current settlement will not stop microsoft, and will hurt me as a consumer. marc micro$oft is the path to the Dark Side. Windows leads to bluescreen. Bluescreen leads to downtime. Downtime leads to suffering. I sense much micro$ft in you.

paraphrasing yoda

MTC–00016425

From: John Fawcett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

I am opposed to the proposed settlement. I am a programmer with over 22 years in the field. I have watched Microsoft rise from being a small, fiercely competitive company in a crowded operating systems market to being the sole survivor who is willing to either absorb or exterminate any potential competitors. While I may not have liked their tactics in the early years, I had a choice of using them or using CP/M, Dr. DOS, or any of half a dozen other products. Over time, Microsoft's licensing agreements with hardware vendors have worked to systematically deny me the right to choose any operating system than Microsoft. If I do choose a different operating system, I still have to pay the price to license a copy of Windows, as the licensing agreements often prohibit the hardware being shipped without any operating system. This means that I have to pay twice to get the operating system of my choice, and Microsoft wins regardless. This is not competition on merit.

I have worked for companies that are scared stiff of competing with Microsoft. I've worked on projects that were canceled on the mere rumor of a competing product from Microsoft. I've seen products that were commercially successful, but were then crushed by the free release of a technically inferior product that came bundled with the Microsoft operating system. Again, this is not competition on merit. It is using the position as the only vendor allowed to be installed on many computers, along with the absolute control of how that operating system and it's components are presented to the end user, to take choice away from the consumer. I believe that Microsoft should be broken up into at least two units, and preferably more. The most important task is the separation of the operating system business from the other products. The process for including products in an operating system release should be competitive and unbiased. This should include everything from the Internet browser to simple things like Notepad and the Solitaire. If Microsoft is forced to account fully for the development, marketing, and support of each component, other companies would have the opportunity to compete on a level playing field.

Operating systems are nothing more than the way applications interact with the hardware. They have nothing to do with end user applications like Graphical User Interfaces, Internet browsers, scratch pads, or games. Contending that the user interface is an integral part of the operating system is nonsense. Contending that the Internet browser is part of the operating system in ludicrous. Allowing one company to redefine terms for an entire industry is criminal.

Best Regards,
John W. Fawcett
Senior Software Engineer
unixpro@ufie.org

MTC–00016426

From: Richard Wolfe
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

As a minority in the computing word, a Macintosh user, I feel the direct power that Microsoft has over the computing word everyday. The Macintosh platform only survives in the eyes of the consumer as long as Microsoft continues to supply the Office productivity suite. Microsoft supplies the Office productivity suite but ensures that key apps [Access, Outlook, FrontPage, Publisher, Project, Visio, MapPoint, Data Analyzer, and PhotoDraw] are not available to the Macintosh audience. This lets the consumer know that if you really want the power of office then you had better use the Windows OS. Note: Outllook for the Mac is available as a separate download, but it still lags in feature/interoperability parity with the Windows version.

PC Office
http://www.microsoft.com/office/programs/default.htm
Mac Office
http://www.microsoft.com/mac/officex/default.asp?navindex=s16

The recent shift in Internet Explorer's reliance on ActiveX as opposed to the Netscape PlugIn architecture to display rich media within the browser benefits only Microsoft, and has far reaching future consequences in its platform specific nature. See the effects of this direction in the link below:

http://developer.apple.com/quicktime/compatibility.html
http://www.mayim.com/wdk/docs/whatsnew.html

Also the tying of ActiveX and the new .Net initiatives to both Internet Explorer and the Windows OS, is leading to the demise of ''Internet for Everyone.'' The internet by it's shear nature was platform agnostic. Microsoft is on the road to change that, if not by making certain sites work only under Internet Explorer and Windows OS, but by also giving the appearance that sites ''work better'' if you use Windows OS. This appearance issue weighs in heavy with the average consumer when it comes down to platform of choice. Sites where this is of great concern are the online banking/billpayment/financial management systems. [the links below are old but illustrate the point]

http://www.heidsite.com/macshame/default.html
http://www.google.com/search?q=cache:vHGblQbPmbgC:www.latimes.com/technology/consumer/macfocus/la-000011724jun30. story%3Fcoll%3Dla-business-mac—focus+web+sites+that+don%3Bt+work+with+macs&hl=en

Microsoft's behavior in the past suggests that the Macintosh platform is allowed to survive so as to give the appearance of OS competition. Sure there are the *nix's but only Macintosh directly competes on the desktop. One wonders how much longer the Macintosh platform will be around given that Microsoft has be proven to be a monopolist but the remedy, thus far provided, lacks no real bite and seems to give the company the right to continue business as usual—or as Microsoft would put it ''continue to innovate.''

The remedy that I would prefer to see put in place is one that places Microsoft back on playing field, let alone a level one. Other people have come up with remedies that I agree with, so I'll quote them rather than claim them to be my own:

''With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition. ''Scott Rosenberg http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html and the comments of Robert X. Cringely http://www.pbs.org/cringely/pulpit/pulpit20011206.html http://www.pbs.org/cringely/pulpit/pulpit20011108.html and finally the comments of Mr Nader http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

I'm sorry if this has gone on too long, but I just wish to have a say in what will be our future... a future that will probably be controlled by Windows.

Thank you
Richard Wolfe

MTC–00016427

From: Sean Hertzsch
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Not being completely legal savvy, you will have to forgive my, perhaps brutish, interpretation of this case.

To my understanding, Microsoft(R) is being sued with an Anti-Trust suit because they are not allowing competition into the market. That, I can see quite readily. The proposed settlement looks to be more in Microsoft's(R) favor than the people of this country that want to ensure a choice. From what I can interpret, (again, not being legal savvy) this settlement only accounts for allowing shortcuts on the desktop of the Windows(R) OS, releasing the adaptability code for software to be run on the Windows(R) OS, and not allowing Windows(R) to punish OEM's for not selling exclusively Microsoft(R) OS.

None of this addresses the issue of Microsoft(R) software that runs exclusively on the Windows(R) OS (to my understanding, part of the reason for this case) nor does it address the inablility of other operating systems to obtain, even a minor foot hold in the market, even as a free OS. I truly believe that there are several ways to resolve these issues without denegrating the Windows(R) OS.

First, allow portablility for all Microsoft(R) software to other Operating Systems. This includes Microsoft Office(C), VISIO(C), or any other Microsoft(R) product. Right now there are several projects working on this functionality but are being done under duress. I know that the Lindows(R) project has just fallen under legal scrutiny from Microsoft(R). Granted this is for the name (which I can't see anyone mistaking) but, this will siphon financing from the development process to the legal suit. Possibly causing inablilty to push forward with the project.

Second, I believe an optimum solution was granted from Red Hat Inc(R). for the settlement.

http://www.redhat.com/about/presscenter/2001/press—usschools.html

This will allow children, in their formative years to be introduced to a different operating system than Windows(R). Also, this will provide support for a much longer duration without causing exessive duress on the schools to provide the money for upgrading the software and updating licensing. This also allows students to become more aware of a real life, business situation, as the computers will be inherently networked.

(As I said, I am not the most legal savvy and I hope I got all of the copyright and trademark etc.. in their appropriate place. If I failed to do so, I trust you understand that their position was intended.)

Thank you!!
Sean P. Hertzsch
Qwest Essentials Certified
Dedicated Accounts Rep. A-G
sean@svmg.com
phone (419) 867–0227
pgr (888) 983–9901
fax (419) 867–0427
www.svmg.com

MTC–00016428

From: jef@bomb.acme.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

The proposed settlement is ridiculously lenient. It seems like people keep forgetting that Microsoft was found GUILTY, GUILTY, GUILTY, and that the verdict was AFFIRMED by the appeals court. All that is at issue now is their punishment. Letting them off with the proposed slap on the wrist would be a travesty, and would irreparably harm the entire computer industry.

Microsoft must be punished severely. Their monopolistic and predatory practicies must be slapped down HARD so that this time they won't come back in a few years and start pulling the same tricks. Please don't cave in. Make this criminal corporation feel the pain of justice.

Jef

Jef Poskanzer jef@acme.com http://www.acme.com/jef/

MTC–00016429

From: Todd Klemm
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

This settlement is a bad deal for consumers. It rewards Microsoft for anti competitive practices.

MTC–00016430

From: Binu Parayil
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed Microsoft settlement, as it stands, is a disgrace. To allow Microsoft to continue as a monopoly with a mere slap on the face is downright ridiculous.

The fact that I can buy a car from any manufacturer and drive it on any road is indicative of a healthy, competitive environment. A more applicable example would be that the purchase of any car allows me to have any type of sound system from any manufacturer—I am not FORCED to purchase a specific sound system in order for me to receive FM radio. This is not true in the desktop computing world. I am forced to rely on Microsoft products if I am to continue interoperating with my fellow colleagues or associates.

How did we get here? Microsoft has BECOME a monopoly, as determined by the courts, and will continue to be a monopoly if the current settlement proceeds. Furthermore, Microsoft will continue to use it's (now government-sanctioned) monopoly to leverage itself into handhelds, game consoles, cable tv, etc, until we are all FORCED to live in a Microsoft-enabled world, or else, go live in a cave.

Binu Parayil
binu@email.com

MTC–00016431

From: Philip Gladstone
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

Dear Sir,

I believe that the Proposed Settlement does not repair the consequences of Microsoft's past illegal activities, and it seems unlikely to prevent future illegal activities. There are too many exclusions—for example, security—that make it possible for Microsoft to avoid complying with even the spirit of the Settlement.

I am proud to be from a state whose AG is not signing on to this Settlement.

Philip Gladstone
Framingham, MA

MTC–00016432

From: Michael Coyle
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

To Whom It May Concern:

Given the past behavior of Microsoft, I ask that you impose a penalty that will finally stop the behavior for which they have been found guilty.

The remedies proposed so far do not even begin to address the problem.

Sincerely,
Michael Coyle

MTC–00016433

From: Peter Venable
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

The proposed settlement is a bad idea! It will just let MS buy us off and continue to strangle the computer industry.

—Peter Venable

PhD student in computer science, Carnegie Mellon University

MTC–00016434

From: sellch.jonathan@noctrl.edu@inetgw
To: Microsoft ATR
Date: 11/22/01 12:41pm
Subject: Microsoft Settlement

Hello, my name is Jon Ellch and I am a u.s. citizen residing in Naperville, IL. I just wanted to point out my biggest problem with the current settlement, although I dont know how to fix it exactly. The EULA on MS-Visual C++ specifically prohibits redistributing any program developed with it for use on an MS operating system. While this may not be a huge problem currently since there are no functioning implementations of the windows api other than MS's that situation could change fairly quickly.

I also do not understand how MS could have the right to stop you from distributing your own product. To me it seems perfectly reasonable to write code on one os but sell it for however many it will execute on. Not allowing this seems to me like a steel company selling to a distributor, but only as long as the distributor resold to GM or one of its subsidiaries. I dont think that is legal..is it? Thank you for your time

Jon Ellch

MTC–00016435

From: Matthew Olson
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It must be re-thought and re-worked in order to more of an effect.

Matt Olson

MTC–00016436

From: mickeydog@zianet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

To whom it may concern:

It is my opinion that the settlement proposed for this antitrust cased is inadequate in breaking the monopoly established by Microsoft.

MTC–00016437

From: Tracy S. Ruggles
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Period.

—Tracy
Tracy Ruggles
tr@outputlinks.com
512/858.2150

MTC–00016438

From: JS Smith
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I am absolutely opposed to the Microsoft settlement. The idea that a large company can buy there way into, or out of, any situation they please is exactly what brought them to this point. Regardless of party or political affiliation, I will vote against any state, local or federal representative who backs the settlement with Microsoft; in any current of future election.

Jeff Smith
Portland, OR

MTC–00016439

From: Thernes Keith (cohlkrt)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

This letter from Ralph Nader and Judge James Love accurately reflects my feeling on the subject of the Micro$oft/DOJ settlement. The current ''settlement'' proposal has the US Department of Justice essentially ''Looking the other way''. Micro$oft has never taken DOJ action seriously and has actively ignored DOJ actions in the past. In my opinion, they will continue to act the way they have been acting and do whatever they want anyway.

Let's see you do something that will force compliance and stop Micro$oft from stomping on their competition and their customers.

November 5, 2001.

Letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly regarding the USDOJ/Microsoft proposed settlement

Ralph Nader
P.O. Box 19312
Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036
November 5, 2001
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order
Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement. We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market.

Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html

''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely

distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights ...

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works, ''1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html

''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about

Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

... While Linux hasn't displaced Windows, it has made serious inroads...].. In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

... Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally.

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on. The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' ...

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference. In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices -practices recognized as illegal by all members of the DC Circuit court. The court

has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Sincerely,
Ralph Nader
James Love

Cc: Stanley Sporkin, Judge Thomas Penfield Jackson, Anne K. Bingaman, Joel I. Klein

1 http://www.suntimes.com/output/tech/cst-fin-micro01.html ''Microsoft CEO takes launch break with the Sun-Times,'' Chicago Sun Times, June 1, 2001.

MTC–00016440

From: Jeff DuDeVoire
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I would like to comment on the Microsoft settlement as provided in the Tunney Act. Microsoft's products need to be made as transparent as possible so that developers can create software that works just as well with any Windows OS as any other Microsoft product. This means opening the API to all middleware developers and allowing them to see how best to interface with OS.

Also, API must be defined so that it is open to all to see and use. Without complete access to the Windows API outside developers will be at a disadvantage and Microsoft will be able to maintain its monopoly. Finally there does not seem to be any effective enforcement of the judgment. Microsoft has been found guilty of destroying competition and harming the market place. This has resulted in inferior products to consumers and the stunting of innovation in the market place. Was a product like Netscape better then Internet Explorer, we will never know because of Microsoft's actions. What other ideas and innovations that could have revolutionized the market place were stopped dead because of Microsoft's actions. An excellent example of competition has been the chip wars between Intel and AMD. They have pushed each other to create better and better processors at lower costs. The result has been that today we have processors that perform at speeds unthinkable a few years ago. What would the market be like if other OS's and software developers had a level playing field? Microsoft must open its API's and be forced to conduct their business in the most transparent way possible. If others cannot compete fairly it is Capitalism, Consumers, and the Marketplace that lose.

Thank you for you time,
Jeffrey C. DuDeVoire

MTC–00016441

From: tmac2000
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft settlement

To whom it may concern,

The government's proposed settlement with Microsoft is much too lenient, to the point of being almost criminal. Microsoft had its day in court and was found guilty of anti-competitive behavior. There is no telling how many people were hurt because of its actions, not just the people who worked for the companies that were bullied out of the marketplace, but consumers as well. Microsoft could be the poster-boy for why there is government oversight and regulation. It has proven itself to be one of the most rapacious of American corporations, the embodiment of profit over ethics, time and time again. It is remorseless in its mission of wiping out fair competition.

The punishment must fit the crime, if we the public are to have any confidence in our institutions, especially in these times when a Republican administration is seen, rightly or wrongly, as being soft on corporate ethics. The public is well aware that Microsoft attorneys stalled the case until a new administration was installed.

I've lived in countries where the public had no confidence in their governmental and judicial systems—those are sad and scary places.

Tim McDonald
184 NE Withla Bluffs Way
Lee, FL 32059
850–971–9974
tmac2000@digitalexp.com

MTC–00016442

From: Stan Zulaski
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I believe that the existing settlement is much to lenient towards Microsoft. I would like to see Microsoft broken up into more easily regulated companies.

Thanks for allowing me to vent my frustration.

Stan Zulaski

MTC–00016443

From: Antone Roundy
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft does not go far enough to solve a chronic problem in the software industry—that it is too vague in some areas, and too narrow in others.

Microsoft has shown time and time again that they will exploit any legal loophole, anything they believe they can make appear to be a loophole, or anything that they believe they can claim in court that they thought appeared to be a loophole in order to maintain and expand their monopoly powers. They have also shown that they would like to expand their domination to cover a wider range of products.

While it is, of course, not a crime to expand one's business into new areas nor to be the market leader, I fear that unless the settlement either provides clear, watertight, quick remedies in the event that Microsoft attempts to continue their old ways in both the markets where they currently compete, or in markets new to them; or creates barriers to keep Microsoft from even being able to use illegal means to expand their control; that the time and resources spent on this case thus far will have been largely wasted, and that many more businesses and consumers will be injured by Microsoft's actions in the future.

Perhaps I'm being hypocritical by not being more specific in this letter, but I have seen plenty of comments by other individuals which point out issues that concern me. One in particular that I will mention is Dan Kegel's comments, which may be found at http://www.kegel.com/remedy/remedy2.html. I agree with the comments in that document, and have asked to be listed as a co-signer there.

Please take the time to consider the objections that are being raised and to fine tune the settlement to ensure the time and resources already expended in this effort result in the meeting of the goals for which they were undertaken.

Thank you,
Antone Roundy
Manager, Software Engineer, Systems Administrator
Mouken, L.C.
http://www.mouken.com/
Spanish Fork, UT

MTC–00016444

From: Liz Petty
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Comment on the Microsoft Antitrust Settlement

My comment on the Microsoft Antitrust Settlement:

Microsoft should be broken up into a Desktop OS and Server OS Company. Neither should own an interest in the other. All API should be published and sold for the same price or given away free. Desktop OS Peer to Peer Networking should be limited to file and print. This would create two companies that will have to really innovate and will have to encourage outside 3rd party involvement to survive. If the two new companies are really as good as they claim, they should have no problem continuing to innovate. Presently, everyone else has the same access to the two OSs as they do.

MTC–00016445

From: Lee Druxman
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft.

I have been using computers daily since the mid-eighties, when my father brought

home an early IBM-compatible computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned its pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for its destructive abuse of its monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,

Lee Druxman

MTC–00016446

From: Big Endian
To: Microsoft ATR
Date: 1/23/02 6:05am
Subject: Microsoft Settlement

This settlement is merely a slap on the wrist and is no more than a reissue of the settlement for the previous case over IE integration into Windows 98. Microsoft needs to be limited in such a way that they cannot use their monopoly in any one market to gain monopoly power in a second market. The markets involved include but are not limited to: Operating Systems, Productivity (MS Office), Internet (IE, MSN, MSN Messenger). These are seperate, distinct markets that microsoft has employed its monopoly power in one to leverage the other. Their monopoly with DOS allowed them to make Windows 3.1 not work with Digital Research DOS (DrDOS). Their monopoly with Office has allowed them to force users to upgrade their OS and hardware in order to be compatible with files from users of a newer version of the software. Microsoft believes it is above the law and routinely abuses the legal system to stifle competition (see microsoft vs lindowsos.com)

Daniel Mayfield

MTC–00016447

From: Benjamin Watkins
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I am very concerned about the proposed settlement with Microsoft Corporation regarding a remedy to their gross violations of antitrust law. I do not believe that this remedy comes close to the legal requirements set forth by the Court of Appeals ruling: ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). The proposed settlement will allow Microsoft Corporation to continue many of the same practices that put it in violation of antitrust law in the first place, this time with the blessing of the US Department of Justice. In effect, the Department of Justice would be sanctioning further monopolistic practices and consequently causing a stronger lock-in of the market, the exact opposite of the requirements of any remedy. I believe that Microsoft Corporations's past deceptive and anti-competitive practices warrant a much harsher and more thorough remedy that addresses these concerns, and truly represents the protection of consumers that is at the heart of antitrust law.

Benjamin Watkins
Concerned Consumer
North Kingstown, RI

MTC–00016448

From: Adam Keys
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I believe the proposed settlement is bad, settles nothing, does not adequately protect citizens and does not protect businesses competing with Microsoft sufficiently. It is my belief that a component of the success of American capitalism is treating businesses more or less like citizens. Treating multi-billion dollar companies with huge lobbying power (Microsoft) ''more equally'' than other businesses or citizens is the quickest way to ruin this country. Do not let Microsoft's lawyers or public reputation people mislead you.

akk

MTC–00016449

From: Jason King
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.

Jason King
12405 Cassady Drive
Austin, TX 78727

MTC–00016450

From: Jeremy Ellington
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed Microsoft settlement. Specifically, I find the settlement lacking in its address of Microsoft's behavior towards not-for-profit organizations. Some of Microsofts biggest competitors in the software world (Apache, SAMBA, Sendmail, etc) are maintained by non-profit organizations. The language of the settlement makes it clear that Microsoft would not have to provide documentation or license APIs or communication protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. See Section III(J)(2). Of course, the non-profit organizations competing with Microsoft will not meet this criteria. This is entirely unreasonable. These organizations are the biggest threats to Microsoft's monoply, and they should be given the opportunity to compete. This is just one example of how the Microsoft settlement does not go far enough to address the stranglehold Microsoft has on the entire software community.

Sincerely,

Jeremy Ellington

MTC–00016451

From: Rob Becker
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement
01–23–2002
Robert L. Becker
11401 Holly Court
Kansas City, MO 64114

To Whom it May Concern,

The proposed settlement between the Microsoft Corporation and the Department of Justice in the antitrust case against Microsoft does not adequately punish Microsoft. The settlement also appears to do little to put in place controls to prohibit Microsoft from continuing to act to harm consumers and competition in the United States and global economies. Microsoft has held the personal computer industry in a stranglehold for far too long. Despite claims to the contrary made by their marketing machine, Microsoft has stifled innovation and strongly curtailed one of the vital economies of today and the future. Please throw out this settlement and draft one that puts in place serious controls on Microsoft. An effective settlement would at very least require that they release only products that conform to the technology standards set forth by such bodies as the World Wide Web Consortium and the Internet Engineering Task Force, that they offer a version of their operating system that is free of such integrated applications as Internet Explorer, MSN Messenger and

Windows Media player, and that they open the file format specifications and possibly the source code of their Office suite to allow for competitors to better interoperate with these products. Microsoft has approximately 97% of the personal desktop computer operating systems market. With this overwhelming majority comes tremendous power to influence the direction of technology and our economy simply by default. Microsoft has recently been able to drive tremendous traffic to their MSN search engine by simply modifying the way that Internet Explorer behaves when it receives an error page from a web server. This demonstrates the power of their defaults perfectly. Behaviors such as this cannot be allowed by a company with as much sway over the market as Microsoft. Competition breeds innovation and advancement. Microsoft has squashed competition in one of our vital present and future markets. As such, they have hindered our advancement. Should we as a country choose to ignore their past anticompetitive actions and let them settle this case without severe penalties and constraints, we can very likely look forward to losing our position of economic strength in the global market as those in other countries move forward unhindered by the shackles of Microsoft's monopoly. Please do not let this case come to a close with this settlement. Microsoft has hurt us and our economy and will continue to do so should we choose to allow it. I do not choose to allow it and you should not allow it either. Stand firm and punish them, then put in place restrictions that will actually keep them from harming us further in the future. Thank you for your time. Please do the right thing.

Sincerely,
Robert L. Becker
11401 Holly Court
Kansas City, MO 64114

MTC–00016452

From: Chris McKenna
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I think that the proposed settlement does not go far enough.

—Chris McKenna

MTC–00016453

From: Jeremiah Buckley
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

The settlement is bad. It does not do enough to curb Microsofts proven attempts at crushing fair competition.

Thanks.

MTC–00016454

From: Rich Cox (Online)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

Greetings,

Please don't allow Microsoft to settle the antitrust case with this kind of ''penalty'. Donating refurbed computers and MS Software to schools while a laudable action, isn't what needs to be done with this issue. The software basically costs MS nothing, and allows MS a toehold into one of their competitors last remaining competitive areas.

Microsoft needs to be penalized in a severe and uncompromising manner. They must not be allowed to continue their software monopoly and anticompetitive practices.

1. MS code needs to be opened up to EVERYONE, not just who MS specifies or allows with very narrow language.

2. MS needs to fined.

3. MS needs to be broken into separate companies.

4. MS's deals with hardware vendors with respect to licensing and only allowing windows to be installed on new PC's needs to be nullified. People must be allowed ot choose their OS, or not buy one at all when they buy a computer.

5. Internet Explorer needs to be removed from the OS, there isn't any need ofr it to be so tightly integrated.

6. MS needs to be financially responsible for serious bugs/security problems in their software. Outlook/Exchange and IIS is a nightmare, there have been several high profile incidents in the past year alone. MS's culpability in these is very apparent. They need to design their software with security in mind.

MS is working very hard to expand their monopoly into the hardware and services area, please stop them now! There needs to be competition and fairness in the software/hardware market.

Thanks!
Rich Cox
Database Administrator
University of Phoenix Online
Phone: 602–758–1977
Email: Rich.Cox@Phoenix.Edu
<mailto:Rich.Cox@Phoenix.Edu>

MTC–00016455

From: ldillon@imt.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

Greetings,

I'm just writing to let you know that the proposed settlement is a total cave-in on the part of the DOJ. It's not going to do much of anything to stop Microsoft from continuing their illegal monopolistic practices.

What we really need is totally open, free and unencumbered standards for information interchange. It's Microsoft's de-facto, proprietary ''standards,'' like the Word format for documents, HTML that only works with Microsoft's Internet Explorer, and the SMB protocol that keep other players from competing.

Microsoft must be made to release either the API's or enough source code so that competing products can interoperate and exchange data with Microsoft products. Then these conpeting products can compete on their own merit. The exceptions for ''security'' in the proposed settlement is totally contrary to interoperability.

We do not need a break-up of Microsoft, we just need them to be forced to release enough information so that others can make products that can work and compete.

Thank you.
Larry Dillon—
Assistant Systems Manager—
Computers Unlimited
(c) 2002Assistant Web Administrator—
Internet Montana

MTC–00016456

From: Markland J. Benson
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

Renata B. Hesse:

I have recently read the revised final judgement in the case of United States of America vs. Microsoft Corporation dated November 6, 2001 and I have concerns regarding the proposed resolution of this case. The monopolistic behaviors found as fact in the case cannot be curtailed by an oversight committee that does not have authority to stop product shipments or impose significant monetary fines for infractions against the terms of the settlement. To say that a business with predetory practices should be curtailed simply by this committee's access into its day-to-day business, is to say that a lion will stop killing because we watch the lion's every move. In this case, as in the situtation of the hunting lion, direct and forceful action must be taken against the offender. Metaphors aside, the historical and effective work that the United States has done against monopolies within its borders has been carried out via the breaking apart of the monopolistic entities into smaller, less-powerful entities. This remedy should be applied in United States of America vs. Microsoft Corporation as well. It has been proven effective over time and such a solution would show evenhandedness of the government rather than favoratism.

A note on appearances—without necessary regard to fact. As it is now, it appears that Microsoft has purchased the opinions of the opposition and has nearly escaped with barely a hand-slap. Even the technical committee will not be immune to the enticements of the billions at the disposal of Microsoft Corporation.

I hope that this short commentary can be of assistence in redering justice.

Regards,
Markland J. Benson
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Morgantown, WV 26505
(304) 284–9718
m.j.benson@ieee.org
CC:m.j.benson@ieee.org@
inetgw,tlahoda@fentech.com@ine. . .

MTC–00016457

From: Andy McCown
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I'd like to comment on the proposed Microsoft settlement. Since I'm sure you have plenty of these to go through, I will keep my comments short.

As a software developer of many years, who has programmed on Unix, Linux,

Windows, and Mac platforms, I feel the proposed settlement does little to remedy the situation. If the proposed settlement is followed, it will go a small way towards improving the situation. However, some areas will not be aided at all because the proposed settlement terms are too narrow (no opening of file formats, no stop of intentional incompatibilities). These issues have been well addressed by other people.

My goal is to point out that the proposed settlement seems to do nothing as a penalty to Microsoft. It kindly asks them to behave better in the future, places difficult to properly enforce measures on them, and then, in the end, allows them or even encourages them to keep the monopoly that they illegally built! Is this justice? I'm afraid the only way to make headway against their illegal gained monopoly is indeed to break up the company—but not as originally proposed. It should be broken into three companies, each one with the same set of source code and products. Then there will be competition!

Just my comments that the proposed settlement does not go far enough and does not address all the issues that it should. The proposed settlement is not in the public interest, and needs significant revisions.

Andrew McCown

MTC–00016458

From: Bill Thorn
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

Dear sirs,

I think the settlement with Microsoft is a fair one. A lot of the criticism that is raised seems to come from competitors who were not able to compete in the market. Microsoft has a good product at a fair price so let's move forward.

Thank you,
Bill Thorn

MTC–00016459

From: Michael Kenning
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

To whom it may concern,

In regards to the proposed settlement between Microsoft and the DOJ, I would like to make something clear. I absolutely oppose this arrangement. Specifically, I feel that if the US government feels that this is an appropriate punishment for violating the law, then I will make my voice heard with my wallet and my vote. If a citizen acted in this manner they would be in jail. At the very least see to it that the people who make the decisions at Microsoft are held appropriately accountable. That means you don't slap them on the wrist with a horrifically simple punishment. Do you really think the proposed settlement is a punishment?

Michael Kenning
mjkenning@yahoo.com

MTC–00016460

From: John C. Daub
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I believe it only contributes further to the problem it's supposedly remedying.

John C. Daub
Grand Pooh-Bah, Hsoi's Shop
<mailto:hsoi@hsoi.com> <http://www.hsoi.com/>

MTC–00016461

From: Wieland, Alexis P.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:22am
Subject: Opposed to the Proposed Microsoft Settlement

Dear Judge Kollar-Kotelly,

Having read and considered the the proposed consent final judgment for USA versus Microsoft and feel compelled to voice my opinion that it is inadequate. It appears to neither adequately redress past wrongs by Microsoft nor put in place significant barriers to future abuses.

My personal passion is in reducing the detrimental effect that Microsoft's monopolistic practices have on on the computer industry. It is my conviction that the proposed judgement is woefully inadequate in this regard. While attempts were made to open product API's, provisions J.1 and J.2 apprear to allow Microsoft great latitude in withholding information on security grounds.

Further, the bundling practices that are so central to this case continue to stifle inovation by removing the financial incentives and rewards of innovation. A remedy along the lines of making Microsoft products as explicit extra-cost options in the purchase of new computers would seem necessary to remove this barrier. This would both allow consumers meaningful choises and make competition feasible.

It would still seem that the simplest and fairest solution is the structural remedy. In the absence of that it seems necessary to carefully craft a much tighter and much more comprehensive responce to Microsoft abuses.

Sincerely,
Alexis Paul Wieland, Ph.D.
2647 Glendon Avenue
Los Angeles, CA 90064

MTC–00016462

From: Olivier Crete
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

Hi,

I'm not American, but I am still extremely worried about the proposed settlement between the US, DOJ, and MSFT and I believe that it is not in any way strong enough to restore the competition in the Desktop Operating Systems market or browser market and it cannot even protect the existing competition in the existing applications market. Any solution must include completely opening the Microsoft Office file formats because they are a core aspect of the monopoly maintenance, and also limiting the abilities of Microsoft to act in online service to block them from using their monopoly power to leverage in another market.

Olivier Crete
oliviercrete@videotron.ca
Montreal, Canada

MTC–00016463

From: Andrew Shea
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

The Microsoft settlement is a BAD idea. More stringent and punitive measure must be taken.

Andrew Shea
1265 East University Drive #3075
Tempe, AZ 85281

MTC–00016464

From: Mike Yost
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

The proposed settlement is an incredibly bad idea, and

I strongly oppose it. Make the punishment fit the crime.

Mike Yost
1010 Cup Leaf Holly Court
Great Falls, VA 22066
=====
Mike Yost
michaelbyost.at.yahoo.com

MTC–00016465

From: Matthew H. Ray
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is an extremely weak punishment for a company that has acted with such arrogance and unabashed indifference to previous attempts to reform its behavior. Microsoft is a monopoly and has continued to leverage its market position to drive out competition, even during the trial, knowing nothing would ever come from the case against it. The proposed settlement is a waste of all the time and money that has gone into the case. Microsoft was found guilty and as a repeat offender a more serious punishment should be considered.

Matthew H. Ray
Software Developer

MTC–00016466

From: norman@hydra.atc.lmco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

It is fairly obvious that Microsoft has used its monopoly to destroy competition in both its existing markets as well as anticipated future markets. The damage to all of these destroyed potential new companies exceeds billions of dollars. Why then is the DOJ backing off from its job of prosecuting criminals? You even considered helping Microsoft with a judgement that extended its monopoly by giving its products to children. I can't help but wonder who might be issuing your paychecks, Microsoft or Enron?

Break up Microsoft!
Norman Strampach

MTC–00016467

From: peter@liftingmind.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

Esteemed seekers of justice:

I am opposed to the proposed settlement with Microsoft. The findings of fact indicate they have behaved unlawfully, and experience and common sense tell me they will continue to do so until effective measures are taken to prevent them from doing so. Other software companies must be given the opportunity to compete on an equal footing for the OS market and the applications market, without having to contend with Micorsoft's anti-competitive agreements with computer manufacturers and unlawful bundling of applications into their OS.

I support the original order to break Microsoft up into separate companies that will then be truly free to compete on their merits.

Thank you for your consideration.

Peter H. Schmidt
Lifting Mind Inc.
2 Ewell Avenue
Lexington, MA 02421
peter@liftingmind.com
www.liftingmind.com
fax: 781 863–8858
tel: 781 863–5200
CC:Peter Schmidt
Speaking for myself

MTC–00016468

From: Ian Penney
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I feel the recent Microsoft Antitrust settlement is seriously flawed, mainly because the Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Particularly, Microsoft discriminates against ISVs who ship Open Source applications.

The Microsoft Windows Media Encoder 7.1 SDK EULA <http://www.kegel.com/remedy/wmenco.txt> states ''. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .''

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

As a systems administrator this directly effects the quality of software I can expect and the integration levels they can achieve with Microsoft Products. This cripples them in several ways.

Thank you for your consideration.

Ian Penney/
Systems Administrator
ian@mindbin.net

MTC–00016469

From: Chris Hiner
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I don't think the proposed settlement will make any difference in Microsoft's future behavior. Please come up with a better solution.

Chris Hiner
Franklin, MI

MTC–00016470

From: Shawn Teague
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I have been very disappointed by the way the Microsoft settlement is being handled. The entire purpose of anti-trust cases to keep a single entity from welding to much power over the citizenry and to render ''Equal Justice for All''. A corporation should not be immune from having to obey the laws of the land, and when that corporation breaks those lows they should be punished in accordance to the laws they broke. I a corporation then proves that is has no intention of obeying laws it finds inconvenient to it's business practices, that corporation should be dissolved.

I do not think that it is necessary at this time to dissolve MS. (Despite their apparent complete disdain for the judicial process, and willingness to perjure themselves.) However the ramification of their misdeeds need to have some substance to them. They MUST not be allowed to continue to disregard the laws of the land. MS is swift and harsh with software pirates (including government agencies that exceed license counts) I see no reason that the judgment against them be any different.

Shawn Teague O
Firewall Support
766–0364
mailto:shawn.teague.i9tr@statefarm.com

MTC–00016471

From: John Reyst
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

Per the Tunney Act, I would like to add my comments re: the Microsoft Trial. These are reasons I am against the settlement as written:

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism. Thank you for your time,

John Reyst
Owner, Net-Mechanics.com
311 North Edgeworth
Royal Oak, MI 48067

MTC–00016472

From: Wade Hought
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

To whom it may concern,

I am a software developer with 15 years experience in Windows and Unix-related systems development. I also pride myself as being an early adopter of more than a few Microsoft technologies back in the early 1990's when they (Microsoft) were the outsider with better technology. The arguments to the proposed settlement are many. I don't feel that these need to be detailed yet again here. The following URL http://www.kegel.com/remedy/remedy2.html details my arguments quite well. I will say simply that Microsoft has broken antitrust law, and deserves remedies that effectively place their entire business back under competitive pressure.

Let us remember also that competitive pressure didn't begin as a concept in a free-market system. It began as the foundation of

an effective government—democracy. Please address the Microsoft antitrust issue for what it truly is—the antithesis to our way of life.

Sincerely,
Wade Hought

MTC–00016473

From: Todd Fritz
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: A Vote against the proposed settlement

After reading the proposed settlement, I am NOT in favor of it in its current state. Therefore, please consider this a vote against the proposed settlement. I suggest a settlement that is more favorable for Microsoft's competitors, and unfavorable for Microsoft. The proposed settlement contains only flimsy and lightweight mechanisms for addressing competitive issues which will not significantly impact Microsoft's methods of conducting business. The settlement also lacks sufficient penalties for microsoft's harmful and anti-competitive behaviors. I suggest the following rule as a starting point: No settlement shall include any product, service or good, provided either from or of, Microsoft.

I am also strongly of the opinion that Microsoft should be divided into at least two (ideally three) separate and independent companies.

Sincerely,
Todd Fritz
885 Briarcliff Road NE, #8
Atlanta, GA 30306
404–378–3872

MTC–00016474

From: Michael Townsend
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

I am writing to voice my opinion that the Proposed Final Judgement for the United States vs. Microsoft is not an effective remedy for the harm caused by their predatory use of their monopoly. There are several key holes that it leaves for Microsoft to keep the Applications Barrier to Entry as insurmountable as is stands today. I agree with the assessments made by Dan Kegel at http://www.kegel.com/remedy/remedy2.html. Some of them that I feel are worth highlighting are the poor definitions used in the Proposed Final Judgement. If definitions are going be changed from the courts Findings of Fact, they should be altered to cover more in the remedy not less. The changing to the scope of things like API and Middleware to include only a specific list of APIs and applications covered by the remedy, explicitly excludes all others, as well as any changes to the existing ones if they are rebranded and marketed as a ''new'' product. The second point that I felt should be considered is insuring that all necessary APIs are available so that non-Microsoft operating systems can implement them for interoperability. That should be ALL APIs. The exclusion of the software that deals with Security and Copy Protection is ridiculous. Years of open source software has shown that public review of security interfaces leads to a more secure piece of software. Likewise any use of the knowledge gained by published Copy Protection documentation, if implemented would be in direct violation of the Digital Millennium Copyright act, among other applicable laws. The main effect of keeping these secret is to prevent interoperability on both an application level and a networking level. Since arguably, any interface involves some security implications, this clause alone is an umbrella for obscuring any number of key pieces of protocols specifically marked in the remedy for publication. Another key bit of information that should be disclosed to ensure a fair marketplace for non-Microsoft products is file formats. Keeping these formats incompatible prevents users from switching to a competing product if they wish to continue to use their existing data. Microsoft should also be required to disclose implementation specific information to any public API that they modify to insure interoperability. Some examples of this would be the MS implementations of Kerberos , Java, and many W3C approved web standards. These are some of the weaknesses in the Proposed Final Judgement that I feel need to be addressed if the remedy is truly to be in the public interest.

Sincerely,
Michael A. Townsend
Software Maintenance Engineer
Pegasystems Inc.

MTC–00016475

From: Dennis Feuerbacher
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

Dennis Feuerbacher
6035 Newport Avenue
Norfolk, VA 23505–4701
January 23, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. I would like to add a word about the new AOL Time Warner lawsuit. I was a Netscape user and was determined to use Netscape. But I found that it was awkward and when I had the opportunity to use Internet Explorer, I found that it was very easy to use. My Mother currently uses Netscape and is constantly thwarted in her efforts to use the Internet. Thank you for this opportunity to share my views.

Sincerely,
Dennis G. Feuerbacher

MTC–00016476

From: Brian J. Dowd
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

This proposed settlement must have the MS lawyers laughing at the naiveti of the DOJ attorneys. I'm sorry, but this settlement advances only their company rather than allowing other competitive (Solaris, Mac, Linux, etc.) operating systems to have any chance of being taught in the school systems. Educational instruction should be focusing on diversity rather than hegemony.

Brian J. Dowd
(But I'm an MS stockholder, so I'll win whatever you do!)

MTC–00016477

From: Aaron Dale
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

I object to the Microsoft settlement as it currently stands, as it is overly lenient on Microsoft. As a programmer on Win32, I must deal with Microsoft's poor software—made unavoidable by its monopoly— and would directly benefit both as a consumer and as a software professional from a settlement not created by John Ashcroft's wallet. Furthermore, a settlement harsher on Microsoft would be good for taxpayers, given that Microsoft does not pay federal income tax (Tim McDonald, E-Commerce Times, 10/12/00).

Sincerely,
Aaron Dale
1623 N. Winchester #2R
Chicago, IL 60622

MTC–00016478

From: Michele and George
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

As a consumer of Microsoft products, I feel dirty . . . . their software products are mediocre, but I have really have no choice but to buy and use them in order to function in an electronic medium. However, it is their ABSOLUTE LACK OF CUSTOMER SERVICE that takes the cake! They have no regard for the customer—keeping people on hold, passing the buck, not resolving technical issues, billing errors, etc. They just don't care about the customer, and that makes me sick. Only an abusive monopoly can get away with this sort of behavior.

Thanks for reading,
George and Michele
Morgan Hill, CA

MTC–00016479

From: Andrew S. Zbikowski

To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have been using computers daily since the mid-eighties, when my father brought home an early portable IBM computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Andrew S. Zbikowski
1435 Hampshire Ave S, #120
St. Louis Park, MN 55426
Andrew S. Zbikowski
http://www.ringworld.org
Home: 952.591.0977
Wireless: 612.306.6055

''Only two things are infinite, the universe and human stupidity, and I'm not sure about the former.''—Albert Einstein (1879–1955)

MTC–00016480

From: Alex Bratton
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Dear Sirs:

As a member of the technology community I must say that I do not agree with the proposed Microsoft settlement. Microsoft has had a tremendous impact on the technology world in both positive and negative ways but this settlement amounts to barely an acknowledgement of their manipulative business practices and the monolopy power they have abused. Two major areas must be addressed that are not sufficiently covered by this proposed settlement: 1—the guilty must be punished for the massive damage they have done to the competitive landscape in the technology sector and 2—much more significant measures need to be taken to ensure that they cannot continue to abuse their market position. I hope that you will reject the proposed settlement as not reaching far enough to address these problems.

Thank you,
Alex Bratton
CEO, The Net Squad

MTC–00016481

From: Dagny Haug
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

The settlement is *not* a good idea.

Dagny Haug
Associate Program Director
Edina Technical Education Center
University of Minnesota
http://www.cce.umn.edu/infotech/

Time is the coin of your life. It is the only coin you have, and only you can determine how it is spent. Be careful lest other people spend it for you.

Carl Sandburg

MTC–00016482

From: John McCutcheon
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a scientist in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS. Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Sincerely,
John P. McCutcheon
Program in Computational Biology
Washington University
St. Louis, MO

MTC–00016483

From: Administrator
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To whom it may concern,

I am a concerned citizen asking that a reasonable judgment be found against Microsoft. I think a reasonable settlement of this affair should include the open sourcing of Windows code. It's too late for the competition to take hold now. Everyone is used to used Windows as an operating system. Every new system out there ships with it, and Microsoft is reported to even track companies who DON'T ship with it.

To put an end to their predatory practices and for security reasons, it is clear that Windows needs to be opened up so others may design competing operating systems. After years of delay and legal manuverings, this is your chance to finally do something to punish Microsoft and throw open the doors to true operating system competition.

Sincerely,
Charles T. Hunnefield
Technology Coordinator
Linden Hall School for Girls

MTC–00016484

From: Thomas Pluck
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

I am writing to say that I think the proposed settlement for the Microsoft Anti-trust case is too lenient. Microsoft has had a stranglehold on the market for a very long time and their habit of stifling innovation and crushing competition is infamous. They continue to use their monopoly to springboard into other markets and to avoid fixing serious security issues with their products.

Sincerely,
Thomas Pluck

MTC–00016485

From: Keith Allington
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

I have read through the proposed settlement with Microsoft and felt it necessary to notify you of my feelings. I urge the DOJ to abandon the proposed settlement in its current form. The proposed settlement looks to me to be the same type of ''slap on the wrist'' that Microsoft received in the last anti-trust finding against them. It does not truly address Microsoft's anti-competitive behavior nor does it offer any incentive for Microsoft to change its behavior in the future.

Thank-you for your time.
Norman K. Allington
944 W Cambridge
Fresno, CA 93705

MTC–00016486

From: mca32@email.byu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

As a computer user, and supervisor of a computer department at our university, I see

the microsoft settlement as VERY harmful to consumers. They have been declared a monopoly, and have been shown to use monopolistic practices. Worse, in our dealing with their company, they have treated us as if they were a monopoly. Most damaging is that most people treat them as if they were a monopoly, saying ''We have to accept their policies on software licenses because what else can we do''. If nothing is done now, when are we going to do it. Their policies on Windows XP prove that they are never going to fix their problems without a big hammer hanging over their heads. If we let them off now, we will be forced to take even more drastic actions later.

Please reject the current settlement.

Dr. Matthew Asplund

Department of Chemistry and Biochemistry

Brigham Young Univeristy

Provo, UT 84606

MTC–00016487

From: David Wheeler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

Regarding the proposed Settlement of DOJ vs. Microsoft,

I would like to place these comments on the record in accordance with the Tunney Act.

I believe the proposed settlement is a bad one. As a professional software engineer I understand the Microsoft's monopoly position is sustained though the use of private standards only available to Microsoft. These private standards include aspects of the Windows API and the file formats of the popular Microsoft Office software suites. Competition to the Windows OS will not be possible unless either the Office Suite is made to run on any competing OS or a competitor to the Office Suite can be created. Neither is possible as long as the information required to create this compatibility remains proprietary to Microsoft. The private API's in the Windows OS are the tools Microsoft used to extend its monopoly from the OS market into the software applications market. Since this settlement does nothing to open those private standards. Therefore, Microsoft will remain in control of its monopoly and competing ventures will be at a distinct disadvantage in emerging markets. For these reasons I believe this settlement should be rejected so that a more satisfactory conclusion can be reached. Thank you.

Respectfully,

David Wheeler

David Wheeler, Megisto Systems, Inc.

Principal Software Engineer, (W) (301) 444–1791

MTC–00016488

From: Scott
To: Microsoft ATR
Date: 1/23/02 6:25am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: The PFJ doesn't take into account Windows-compatible competing operating systems:

—Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

—The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft :

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

—The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by the Kegel document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems. Sincerely,

J. Scott Hofmann

J. Scott Hofmann, http://www.seas.gwu.edu/student/shofmann/

mailto:shofmann@mindspring.com

MTC–00016489

From: mrlee@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

To whom it may concern,

Please do not let yourself be bought off by the monopoly that is Microsoft. Their business practices are stifling the creativity and consumer options that we as Americans have been blessed with for hundreds of years.

Please stop them now.

Sincerely,

Lee McLain— Remove *NOSPAM* from email address when responding to this message!

MTC–00016490

From: John August
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

The settlement currently proposed to resolve the Microsoft antitrust case is not any where near severe enough for the unlawful actions and disruption of normal commerce that Microsoft has caused. I would urge that the settlement be revamped and strengthened to insure that Microsoft is not put in a position where they can't be trusted again. They've proven to us as a people that time and time again they'll abuse the strength they have at any point they see fit.

Thank you.

MTC–00016491

From: gibson@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

The proposed settlement is BAD for two reasons: It will not affect that fact that it is almost impossible to buy a pre-built PC

without a Microsoft Operating System on it. It will not affect Microsoft's use of licensing to restrain choice in the marketplace for software.

* Joseph W. Gibson, Lead Software Engineer *

* ''Surf the Wave of Chaos'' *

* gibsonjw@earthlink.net, C/Unix/X *

MTC–00016492

From: Mr Z
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. Microsoft's actions since being declared an illegal monopolist have not changed. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Andrew Zimmerman

MTC–00016493

From: Armstrong, Bob
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

I still support the breakup of Microsoft along the lines of Judge Jackson's original ruling. At the least, I support the alternative settlement proposed by the states who have not agreed to the wrist-slap agreed to by the current administration. Microsoft continues to abuse their monopoly position in the computer market and have stalled all computer innovations that have any future chance of success that don't increase the Microsoft monopoly.

Venture capital money has completely dried up for anything that might be interesting enough to get Microsoft's attention (and that is almost everything). They have leveraged their OS monopoly to gain monopolies in word processing and general ''office'' productivity applications as well as browsers. Their stated interest in ''speech recognition'' has stalled development of this critical technology by the few firms that have pushed it to the current state of the art. Breaking up Microsoft so that the Operating System business cannot be leveraged with the Applications businesses is the right remedy. Forcing Microsoft to ship a stripped version of the OS (for a significantly reduced price) is a poor substitute but better than nothing. Microsoft was found guilty of serious crimes. The appropriate remedy should both return competition to a fair level plus strip them of their ill-gotten gains. Find a remedy that does this. The current settlement does not.

Bob Armstrong
Compaq Computer Corp.

MTC–00016494

From: russell.ritenour@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

Per the following link: http://www.kegel.com/remedy/, I believe the the proposed settlement is not in the best interests of the public. As a software developer for more than 15 years, would like to see an open API for the Windows operating system. This would allow software to be developed in a truly competitive environment (both operating systems and applications).

My favorite computer book of all time is the ''Advanced Programming in the Unix Environment'' by Stevens. This book enumerated the Unix APIs and allowed many developers to see into the API and develop their own applications. It is a shame that a similar book does not exist for the Windows Operating system. The Java programming language is predicated on a ''virtual machine''. Having an open API for all machines would make the need for JAVA less (and that is a huge segment of the software development community).

Sincerely,
Russell Ritenour

MTC–00016495

From: LSemel@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions.

There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Lee Semel

MTC–00016496

From: Marcus I. Ryan
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

I will not attempt a point-by-point refute of the agreement, as people much more articulate than I am have already submitted detailed comments such as:

http://www.kegel.com/remedy/letter.html

I would, however, like to say that I don't believe the settlement penalizes Microsoft in any SIGNIFICANT way, and more importantly does nothing to restore competition. Yes, there are penalties and inconveniences in the agreement, but none force Microsoft to behave in a way more appropriate to a corporate leader and ''innovator'' in the field of computing. Instead they are still allowed to buy out, undersell, or basically destroy anyone who tries to compete. Without competition they still hold too much power over their customers and the market as a whole. In this situation everyone but Microsoft suffers. Most applications are written for Windows—it is a popular and very usable operating system. However, because it is exclusively available through Microsoft, anyone that wishes to run Windows software MUST by a Microsoft operating system. It is difficult at best to run more than one operating system on a computer, so competitive software is nudged out of the market. With less competition, they gain more power; with more power they overpower more competitors, and the cycle continues.

Are there better solutions? Many, but I think two major changes in Microsoft's business practices need to be mandated:

(1) They need to be restricted from charging customers and resellers as though Windows is installed on any machine that can run Windows— why would people run a competing product if they have to pay for the Microsoft product anyway? Also, this way if they do run a competing product, and it gains popularity, Microsoft still makes money on a product it had nothing to do with developing.

(2) They need to be forced to provide all Application Programming Interfaces and patent rights needed to allow other operating systems to build their own emulators of Microsoft software. The idea is that the companies and organizations (including Linux, FreeBSD, and other free projects) would be able to develop API translators, so they, too, can run Windows software.

Microsoft wouldn't have to provide an implementation, simply a document that says ''here are all the calls programs can make, and here is the expected behavior''. Each competitor would be responsible for their own implementation. This way Microsoft could legitimately maintain their market position by being the best implementation—the fastest, easiest to use, most secure, etc.—without making it impossible for other competitors to do a better job than Microsoft.

I think Microsoft was, many years ago, quite an innovative company. I used to be thrilled at each new release of every Microsoft product because they included many new features that I needed and would use. Over the last decade they have lost that innovative spirit.

Each revision of their products looks nicer, but appearance is more art and advertising than innovation. They add many new features to their products each revision, but how many of these were original ideas on the part of Microsoft? I can't think of a feature Microsoft has developed and actually released in a product in the last five years that they didn't buy, license, or borrow from a competitor or partner.

They have gotten lazy because they don't need to work hard anymore. They can buy any idea, code, or company they like. If the creator or innovator won't sell the idea or their company, Microsoft can throw literally billions of dollars and making the idea theirs or nobody's through litigation, reverse engineering, or marketing practices.

In summary, Microsoft controls such a vast portion of the market, and has such enormous cash reserves and revenues it can survive and maintain its power through little technical effort of its own. Without government-mandated restrictions on their predatory behavior, they will never be forced to innovate on their own again. They can continue to be lazy, and keep others from releasing their own innovations, and in that market, no one but Microsoft (and their lawyers) benefit.

Marcus I. Ryan, M.S.
Computer Engieer & Network/Security Administrator
Ames, IA 50010

MTC–00016497

From: Andre Ervin
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a Macintosh user since 1986. (I also use Windows on a regular basis at work.) I feel that my computing experience (on both platforms) has been severely impacted numerous times by Microsoft's anti-competitiveness. I think the current settlement as it stands is toothless, gutless, and most importantly, ineffective as a solution. Since so much of the taxpayers'' money has been tied up in pursuing this case, I would think that anything less than major sanctions on Microsoft similar to the AT&T solution would be a waste of said money. As a guideline to a more effective settlement, I would suggest using the following documents as a guideline:

* http://www.kegel.com/remedy/remedy2.html

* http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

* http://linuxtoday.com/news_story.php3?ltsn=2002-01-02-002-20-OP-MS

As a Mac user, I would be remiss if I did not also suggest the following:

Microsoft should be required to continue developing current and future applications for the Macintosh platform These applications *must* have *feature parity* and *same-time availability* with the Windows versions. Features that require proprietary solutions should use an approximate equivalent already on the Macintosh platform Microsoft should also be required to prominently display the cross-platform interoperability of these apps on their website, any ads, and on shrink-wrapped boxes It would be a start.

Thank you for your time,
Andre Ervin

MTC–00016498

From: Andy Richardson
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement. I have been a shareholder of Microsoft stock, and I support their desire to integrate additional functions into Windows (web browser and other internet-aware apps), but their business practices are unethical.

Specifically, I feel that MS should not be able to require computer manufacturers to bundle a copy of Windows on all their computers. For instance, if I want to purchase a Dell PC and run Linux rather than Windows, I basically have to buy Windows and pay for software that I never use. The argument is that a computer sold without a copy of Windows is simply going to have a pirated copy of Windows installed, but a significant number of people would prefer to run Linux. Their choice is voided by Microsoft's force of will. Dell would be in serious trouble with MS if they sold me a computer with no operating system installed, and MS would also oppose any effort by Dell to sell me a computer with Linux preinstalled.

I also feel that data file formats in apps like word processors and spreadsheets are arbitrarily changed from version to version. This is a form of planned obsolescence that forces users to upgrade their software every 18–24 months. You can't even choose an older version and stick with it because the older version is typically not available for purchase when the new version comes out. That is especially true if you purchase a new computer and attempt to buy software preinstalled by the manufacturer.

Lastly, MS frequently adopts industry standards and proceeds to change them to the point that they are proprietary to MS. For instance, Java, Kerberos authentication, web browser standards for viewing HTML, and the list goes on.

Please take considerations like the above into account before settling this case. A settlement is preferable to a court-ordered breakup, but the settlement has to advance the interests of the typical consumer, business owner, and it has to level the playing field within the software business.

Thanks,
Andy Richardson
Network Manager/Information Security Officer
Key Financial Systems
5770 Roosevelt Blvd.
Bldg. 410
Clearwater, FL 33760
(727) 524–8410x216

MTC–00016499

From: Robin Dowell
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As an engineer in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, even though they frequently ADD NO RELEVANT FUNCTIONALITY over the older product. Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Robin Dowell
Biomedical Engineering
Surface Mail:
c/o The Eddy Lab
Washington University, Dept. of Genetics
Phone: 314.747.8207
4566 Scott Ave, Box 8232 St. Louis, MO 63110 Fax: 314.362.7855

MTC–00016500

From: Rob Elshire
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

To whom it may concern, I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for

settlement's sake. A wrong that is not corrected is compounded. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely yours,
Robert J. Elshire

MTC–00016501

From: clarke@qx.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft would let them get off with less than a slap on the wrist. I think the proposed settlement is a very bad idea.

MTC–00016502

From: Kerner
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement. There are several faults with the proposed Microsoft settlement. I will list these faults as well as a brief discusson of why the fault is important to me as an independent software developer (I speak here both for myself, my company, and my staff).

1. The settlement requires Microsoft to publish its secret APIs, but it does not provide a definition of API that Microsoft must disclose all APIs. As a software developer we use the APIs on our target operating systems to make our software compatible. Our software runs on Windows, Linux, and Mac OS. The performance of our software on Windows is severely limited because of limited access to certain APIs. These secret APIs allow competing Microsoft software to outperform our offering on their platform.

2. The settlement requires Microsoft to publish information, but allows Microsoft to determine to whom it distributes that information. Microsoft is given the ability to only publish information to viable companies as defined by Microsoft. Previous Microsoft activities would show they will limit the definition of a viable company as much as possible. My company, which provides Internet education tools, has a limited, but profitable, operating history. Because of our limited history we would most likely be excluded from any Microsoft defined list of viable companies.

3. The settlement applies to Windows, but it defines Windows in such a way that Windows XP, Windows CE, Pocket PC, and the X-Box (all of which use the Win32 API and are advertized as being ''Windows Powered'') are not included. It is important that Microsoft is not able to continue their monopolistic abuses on other platforms. Under the proposed settlement all Microsoft must do is migrate users to a new platform. This new platform does not represent a substantial change from the previous Windows platforms except that they are not included in the settlement.

4. The settlement fails to prohibit anticompetitive license terms currently used by Microsoft.

Many Microsoft tools are provided to developers in such a way that restricts use of those tools with Open Source Software. Our products rely on Open Source middleware. In order to provide a good user experience on Windows certain Microsoft tools are required. Microsoft's licensing structure for those tools prohibits us from distributing them solely because of our association with Open Source Software. The core platform for our application is Linux. Microsoft's enterprise license agreements (which are used by large companies, state governments, and universities) charge by the number of computers that could run a Microsoft operating system, not by the number of computers actually running a Microsoft operating system. This means that our larger clients must pay a Microsoft license on a computer running the Linux operating system for our software. This type of license was banned for OEMs by the 1994 consent decree, however it remains in place for Microsoft enterprise licensing.

5. The settlement as written appears to lack any type of enforcement mechanism. The settlement calls for the creation of a Technical Committee, yet this committee seems to have no real power over Microsoft activities. The core enforcement of the settlement is left to the judicial system. As Microsoft has proven in the past (the 1994 consent decree), they are unwilling to behave in a manner that does not abuse their monopoly position. The current enforcement mechanism allows Microsoft to behave as it sees fit until further judicial intervention is taken. While this list of shortcomings in the proposed Microsoft settlement is in no way complete, it does clearly illustrate areas where the settlement is not in the public interest. The settlement continues to allow Microsoft to define the terms under which it operates, terms that will allow it to continually abuse its monopoly status. We cannot allow a confirmed, abusive monopolist to dictate its own terms for this settlement. These practices will not be resolved by the proposed settlement and as such leave software vendors, OEMs, and our customers to fend for ourselves against Microsoft. The proposed settlement allows Microsoft to receive a slap on the wrist as the judicial system looks the other way.

Sincerely,
Matthew Kerner
President, Educara Software Corporation
Educara Software Corporation
573–442–3936

MTC–00016503

From: Marc W. Pound
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

To Whom It May Concern: I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Marc Pound
College Park, MD

MTC–00016504

From: gamblej@minn.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

The proposed Microsoft Settlement is NOT an acceptable solution to the blatant predatory business practices currently used by Microsoft Corp. Any real solution MUST force a clear and distinct separation between any company offering the operating system used on such a large majority of machines and that providing the applications used on those machines. Any other option puts Microsoft right back in the same monopolizing position giving them free reign to crush opposition and stifle innovation with impunity.

JG
ACE@visi.com

MTC–00016505

From: Gregory R.Warnes
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Proposed Microsoft Settlement Unacceptable

The proposed settlement betweent the Department of Justice and Microsoft does not adequetly address the anti-competitive behavior outlined in the findings of fact. In particular, it does not effectively remove barriers to competing operating systems and software products, nor does it deny microsoft the benefits of its monopolistic activity. I believe that several fundimental changes must be made to the proposed settlement before it would be effective. Below I have attempted to capture a minumum set of behavioral requirements that would prohibit offending anti-competitive behavior, remove barriers to entry, and encourage competition in the operating system, middleware, and applications software markets. <start>

Definitions: A Dominant Software Product is any microsoft software product with 25% or more market share. An Applications

Programming Interface (API) shall be the function names, addresses, parameter lists, storage, communications formats, timings an all other details necessary to for one software component to interact with another.

Settlement or Ruling Conditions

1. API's

Requirement: —All— API's used to communicate between or with any Microsoft operating system, middleware product, or Dominant Software Product must be fully and completely disclosed without restrictions on use 6 months —prior— to the final beta release of the product. If a product becomes a Dominant Software Product, said documentation must be provided within 6 months of gaining 25% or more market share.

Remedy: Any product with APIs that are not documented in this way shall be prohibited from (further) general distribution and from sale.

2. File Formats

Requirement: All file formats for Microsoft Dominant Software Products must be fully and completely disclosed without restrictions on use 6 months —prior— to the final beta release of the product. If a product becomes a Dominant Software Product, said documentation must be provided within 6 months of gaining 25% or more market share.

Remedy: Any product with APIs that are not documented in this way shall be prohibited from (further) general distribution and from sale.

#3: Patents

Requirements: Any and all patents (regardless of filing status) required to use, interact with, emulate, or implement a competing operating system, middleware product, or Dominant Software Product must be fully disclosed and documented by providing the specific services, APIs, file formats, or features effected 6 months —prior— to the final beta release of the product.

Remedy: A perpetual royalty free license to any requesting organization shall be granted for any and all patents that are not documented in this way.

#4: Licensing Fees

Requirement: A uniform license pricing scheme for operating systems, middleware, and Dominant Software Products, based solely on the number of licenses and sales location (country, state, etc) should be applied to all purchasers, whether OEM, corporate, or individual. Discounting schemes based on customer behavior, including but not limited to bundling of other Microsoft products and supporting non-microsoft products, are be explicitly forbidden. Further, the exact licensing terms shall be made publicly available at least 6 weeks prior to the date when they may be applied and once applied must remain fixed for a term of not less than 6 weeks.

Remedy: All sales of software products without a published license pricing scheme meeting these requirements shall be prohibited from general distribution and from sale.

Gregory R. Warnes, Ph.D.

The views expressed in this email are strictly my own and are independent of those of my employer.

MTC–00016506

From: Rick Mason
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern;

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

In addition, the remedies in the Proposed Final Judgement specifically protect only companies in commerce, that is, organizations in business for profit. However, Microsoft's greatest single competitor on the operating system front comes from Linux, a non-commercial product. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, another not-for-profit. Yet not-for-profit organizations have no rights at all under the proposed settlement. According to Section III(J)(2), Microsoft is not compelled to disclose or license API, documentation, or communications protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Therefore Microsoft has the ability under this settlement to deny information to any non-profit competitor, and thus the settlement will actually increase Microsoft's unlawful monopoly.

Thank you for your time.

Sincerely,
Richard C. Mason
809 Meadow Ln SW
Vienna, VA 22180

MTC–00016507

From: Kevin Fitch
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

I feel that the proposed settlement does not go nearly far enough to remedy the immense irreperable damage done to the computer industry by Microsoft. In particular I feel that the settlement does not go nearly far enough at allowing independent software companies to produce products that can compete fairly with those made be Microsoft.

In order for independent software companies to compete they must be able to interoperate (with —both— the OS and other software) as well as Microsoft produced products can. This requires full upfront knowledge of numerous API's —AND— file formats. In particular the settlement makes no mention of documenting such things as Microsft Office file formats. It is an unfortunate reality that the Microsoft Word format has become a defacto standard for exchanging documents electronically. As a result every office needs at least one copy of Microsoft Word (in order to deal with .doc files they recieve), and since for most offices it is unreasonable to purchase/upgrade/maintain multiple office suites Microsoft operating systems become a near necesity to run an office in today's society. There other file formats that are vendor neutral (Postscript, PDF, RTF, HTML), but of course all of these are either poorly supported on Microsoft Operating Systems or have been curupted (with ''Extensions'') by Microsoft in order to be less vendor neutral, and so they again will only be guarenteed to work on Microsoft Products.

Also the settlement very narrowly defines which APIs need to be diclosed and when they need to be disclosed. Microsoft only needs to disclose APIs used by the products currently defined as middleware. This would allow Microsoft to expand into a new area creating an expansion of their monopoly without having to disclose any of the APIs involved.

Kevin Fitch

MTC–00016508

From: Victor Marks
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

The proposed Microsoft settlement is fraught with problems. I am absolutely against the settlement as proposed. The settlement is little more than a slap on the wrist to a company that knows no bounds which it will respect.

Thank you,
Victor Marks
Raleigh NC, 27609

MTC–00016509

From: MEDBERRY,DAVID (A-Loveland,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

The Microsoft settlement is ineffective. The punitive portions are virtually non-existent—Microsoft is being rewarded for it's bad behavior by getting in-roads at the primary and secondary school level. This is historically not their market. Giving it to them is a reward, not a punishment. The other aspect of the settlement, on-site observers, is not an effective deterrent. No one, no three, no twenty people would be sufficient to monitor software development and business tactics in a corporation the size of Microsoft. I'm not sure ''observation'' is a good plan. Why not rely on external businesses, conscientious Microsoft employees, and the press to identify any violations of the terms of the agreement. A ''whistle blower'' type of approach (both internally and externally) would be a better solution.

Another option, apparently thrown out by the Justice Department and the current administration, would be to break up Microsoft. This would certainly serve as an example, punitive, and also a preventative for at least a portion of the newly created companies.

David Medberry
Software Engineer
4331 Sweetgrass Dr
Loveland, CO 80537

MTC–00016510

From: tim lindner
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

I think the purposed Microsoft settlement is a bad idea. I think the company should be split in two: One company to create operating systems and applications. One company to create development tools.

tim lindner

''Life. Don't talk to me about life.''—Marvin, the android

MTC–00016511

From: Dan Nuffer
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To whom it may concern:

I am a software engineer and am familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas. I cannot see how the proposed settlement to the antitrust case even pretends to remedy the antitrust violations for which Microsoft has been found culpable.

The company has already been found guilty. This is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. I think that a just penalty would enforce the following:

—Microsoft must sell their products for the same price to all OEM customers. They must not be allowed to punish OEMs who sell or bundle competitive microsoft software. Microsoft must sell their products to any OEM who wants to purchase their products.

—Microsoft must allow OEMs to install non-Microsoft software such as Netscape Navigator or Red Hat Linux on computer systems.

—The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on any operating system.

—Microsoft must completely document the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

—Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

—Microsoft must sell their products at a fair price. As is obvious by the amount of money they have in reserve, they have been severly overcharging consumers. Their prices are greatly inflated in relation to their competitors. For example, Microsoft Office costs many time more than WordPerfect Office does, and Windows XP costs much more than Red Hat Linux does. This is only possible because they are taking advantage of their monopoly status. If Microsoft products were not the de-facto standard, no one would buy them, because they are so expensive.

—As much as possible, Microsoft must send refunds to all customers who have been overcharged because of Microsoft's exploitation of their monopoly.

Respectfully yours,
Daniel C. Nuffer

MTC–00016512

From: Lamar Prosser
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea.

Lamar Prosser
IT Coordinator
Center for Health Care Research at MUSC
Department of Neurological Surgery
Ext: 6–1206

MTC–00016513

From: David Pereverzoff
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

Please stop Microsoft from taking over more of our great country (and the rest of the world).

I am particularly concerned about their recent monopoly expansion into the future of HDTV DVD encoding that has recently been included in 90% of the new chips.

Not to mention their strangle hold on the Operating system and desktop application market.

Thank you
David Pereverzoff

MTC–00016514

From: Scott Ricketts
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern:

My name is Scott Ricketts, I am a 13-year veteran of the United States Air Force, now a civilian, and I would like to comment on the ongoing proceedings in the United States vs. Microsoft remedy phase now underway.

I would like to begin, by saying that I have a Bachelor of Science degree in Information Systems Technology, I have been a computer user since 1982, and a personal computer enthusiast since 1992. I am currently employed as computer professional, and the majority of my work involves using and designing programs for use on Microsoft operating systems and development platforms.

I would first like to comment on, what I believe, the good that Microsoft has done for the personal computing industry. Microsoft has successfully created standard Application Programming Interfaces that have allows software and hardware makers alike to create devices and programs that can easily and successfully interface with devices created by other programmers and designers without ever seeing or touching the other persons work. I feel this standardization is what helped the personal computing industry become the giant economic and social force that it is today.

However, in creating these standards, I believe that Microsoft has overreached the bounds of common decency and abused the defacto standards they helped create. Previously, the United States settled with Microsoft in regards to their practice of Original Equipment Manufacturer licensing fees and contracts and the bundling of Internet browsing software designed to increase the market share and adoption of Microsoft proprietary technology. This was to prevent what the United States government saw as Microsofts abusing of its monopoly among personal computer operating systems and productivity software.

The years since that settlement have seen Microsoft grow in its demands towards Original Equipment Manufacturer and the recent exclusion of non-Microsoft Internet browsers from Microsoft websites. In my opinion, this does not reflect the behavior of a company that understands its duty to not abuse its position as a monopoly. In reading both proposed settlements from the Department of Justice and the remaining states, I feel that while neither goes to the lengths that I would recommend, the states proposal goes much father in the right direction in reaching a state whereby Microsofts position cannot be leveraged against any potential competitors again. The Department of Justice settlement has, to my mind, a major flaw that prevents it from being considered as an acceptable remedy. Microsoft has shown, by its conduct regarding the previous settlement, and its behavior that was upheld by the appeals court which branded Microsoft an illegal monopoly, that it will, whenever possible, circumvent rules, laws, and any barriers that prevent it from controlling its areas of interest. There are no provisions for actually punishing past or future infractions of the law by Microsoft. If Microsoft continues to abuse its position as an illegal monopoly, the Justice Departments remedy merely lengthens the term of surveillance. The states settlement, however, provides a very exacting and appropriate punishment: disclosure of computer source code for the offending program. This would be an extremely painful measure for Microsoft, as they view their copyrighted and closely guarded computer source code as their crown jewels: very simply this is how they generate revenue. If that revenue stream is blocked, or they are forced to reveal how their programs work, that opens a new area for competition.

Microsoft has shown repeated contempt for legal agreements, hiring armies of legal minds to comb over documents trying to find potential weak areas. In 1996, when Netscape Navigator was the number one Internet browser, Microsoft signed a licensing agreement with a company called Spyglass. In exchange for a small sum of money upfront and a portion of each sale, Microsoft would receive the computer source code for Spyglass Internet browser. This would allow Microsoft to quickly get a functional and full-featured browser into the marketplace without a lengthy development delay. However, the anticipated revenue stream Spyglass expected never arrived. Why? Because Microsoft chose not to sell their Internet browser, they gave it away for free. This allowed them to not pay further royalties to Spyglass, achieve quick market penetration for their product, which they could then use to leverage their proprietary technologies (such as ActiveX) into defacto standards. This deal, I think, creates a very compelling picture of Microsofts corporate character. In an interview regarding past dealings with Utah-based software company Novell, Microsoft CEO Steve Ballmer smugly commented They made a mistake, they trusted us. I am writing this letter in the

hopes that my government does not make the same mistake that Novell did. Any settlement must contain explicit, detailed language that leaves no room for ambiguity, and exacting, painful punishment for future and past infractions.

Thank you for time.

Scott Ricketts
17 N. Sherry Lane
Bellevue, KY 41073
Email: scott—rickets@yahoo.com

MTC–00016515

From: Christopher Blake
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Christopher M. Blake, New Jersey

MTC–00016516

From: Todd Martin
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Dear USDOJ, Please count me against the Microsoft Settlement. I do not feel that the Microsoft Settlement is an appropriate remedy. Microsoft needs far more punitive damages to prevent them from continuing their illegal, monopolistic business practices.'' I am the person responsible for computer hardware and software purchasing decisions—and support—for our small company. I feel most frustrated with the poor quality of Microsoft software and windows software in general. I don't really have much of a choice of software to use considering Microsoft's monopoly.

Respectfully,

—Todd

MTC–00016517

From: Glenn Crocker
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

I wish to comment on the proposed settlement with Microsoft (under the Tunney Act).

As a computer professional and entrepreneur, I have been involved directly with Microsoft as a partner, party to non-disclosure agreements, and competitor. I?ve seen first-hand the ways the company abuses its monopoly position in the Operating System market. In general, the proposed settlement does a few things wrong:

1. Remedies are insufficient
2. Prohibitions on future behavior are insufficient
3. Mistakes of the past are repeated

In one section of the proposed settlement, Section III.B., there are a number of ?loopholes? that remove the teeth from the agreement. Specificially, Microsoft must license Windows on uniform and published terms to the top 20 OEMs, but smaller OEMs can be punished at Microsoft's sole option. In view of Microsoft's history of doing just this, it would seem that this section is flawed, insufficient, and toothless. Further, III.B. allows Microsoft to continue its blatantly illegal ?tying? of other products to its monopoly! By allowing Market Development Allowances, the settlement provides exactly the tool Microsoft needs to tie future products to the Operating System.

One last OEM-related comment: Section III.A.2. allows retaliation against OEMs that sell Personal Computers that do not include a Microsoft operating system. Clearly, this is intended to prevent lower-priced operating systems like Linux from gaining a foothold in the US the way they are in Europe and Asia.

-glenn

Glenn Crocker
12337 Horton St.
Overland Park, KS 66209
Netmud http://www.netmud.com
913–451–7785, glenn@netmud.com

MTC–00016518

From: mds@2ndset.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

I'm writing to log my opinion about the Proposed Final Judgement (PFJ) in the United States v. Microsoft antitrust trial. My name is Mario D. Santana. I have been writing software for Windows, Unix, Macintosh and other operating systems for 18 years. I am a US citizen registered to vote in Florida.

I believe that many provisions in the PFJ would be ineffective in achieving the stated goals of the PFJ. In my opinion, the main flaw is the lack of provisions guarding against predatory license practices. These practices leverage Microsoft's monopolies to force other businesses such as OEMs and ISVs to use Microsoft products and enhance Microsoft's monopolies still further. There are other flaws, such as the very narrow definitions of various key terms.

Time constraints prevent me from restating all the relevant technical and historical facts. These are available all over the internet, see for example Dan Kegel's excellent collection of resources at http://www.kegel.com/remedy/

Microsoft has abused rights protected by the Constitution and statutes of the United States, rights meant to benefit the public by protecting innovation. I hope changes are made to the PFJ to give back to the public the fruits of that abuse, and to keep such abuses from happening in the future.

Yours,

Mario D. Santana
819 E. 35 St.
Hialeah, FL 33013

MTC–00016519

From: Andrew W Potter
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Please add my voice to those who are dissatisfied with the proposed government settlement with Microsoft.

In my mind it is bad because:

—It allows Microsoft to continue its practice to consume software technologies into the ever increasing maw known as Windows. Browsers, performance utilities, now firewalls and virus scanner companies are all at risk of extinction because of Microsoft's activities. Remember, this will lead to less incentive to innovate and less diversity in the software environment.

—The ''education'' settlement is a major slap against the one small market place Apple computer has a nontrivial market share. By encouraging the cost sensitive education market to take huge numbers of ''free'' Microsoft based computing systems, Apple will quickly lose what tiny market share they have been able to garner in education. Perhaps an alternative would be to require Microsoft to purchase Apple computers for education.

—Microsoft's legal strategy is to delay, obfuscate and then when public attention has diminished, negotiate a favorable settlement. With the billions they have invested in their legal department, they have far more resources than any competitor could hope to have. The Justice department is the last hope at re-establishing a fair playing field. Please reverse this terrible settlement and break Microsoft up into smaller companies that can give the software industry the competitive spirt it needs to jumpstart the stalled Internet revolution.

Andrew W. Potter
Network Architect, Infrastructure Services Delivery & Support
IBM Global Services—Network Services
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MTC–00016520

From: Jason Dujardin-Terry
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern: It is my opinion that the proposed settlement with Microsoft would be a BAD idea. I pledge full protest of the proposed settlement. I trust that the United States Government will hear the voice of the people and act on our behalf.

Thank You,

Jason Dujardin-Terry

MTC–00016521

From: Marc Allen
To: Microsoft ATR

Date: 1/23/02 11:27am
Subject: Microsoft Settlement

Dear fellow American,

I am writing this to voice my absolute amazement that my government it planning to settle this lawsuit with Microsoft. I have been a member of the community affected by microsoft's draconian practices for 15 years. I have watched them illegally destroy technologies which would have benefited myself and millions of others. The most notable of these being the Netscape web browser (believe me it is dead. It would take an act of god to bring it's market share back to where it was when what mattered was quality). If you need a simple current example just examine the way they are hamstringing their ''windows media player'' into windows XP in such a way that makes it highly cumbersome to use any of their competitors products. Thank you for your attention.

Attentively;
Marc Allen

MTC–00016522

From: Alan Hecker
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to inform you of my opion re: the pending Microsoft settlement. The historical—as well as antitrust—history with Microsoft is glaring clear: they have used every tactic at their disposal to gain an unfair advantage in their market space; indeed, through dominance in the computer software marketspace, they have begun to expand out of their initial space and take on other markets (media (MSNBC, video game consoles, etc.). They have also flagrantly delayed and dragged their feet against the federal government *during the anitrust proceedings*; to expect that they will suddenly come into compliance with any verdict that they do not deem meets their liking without a significant amount of oversight and strict, severe (read: large monetary) penalties for violation of any infractions is naive in the extreme.

In addition, the inability of the federal government to bring any entity under its governance into compliance with laws, statutes and verdicts handed to said entitiy will be perceived by all astute entities (be they individuals, corporations, other governments, etc.) as a weakness and an opportunity to take advantage of the United States the way that Microsoft has done. The setting of such a precedent, especially in the current social, economic and political climate of today's world, could do inestimal damage to the United States. I realize that Microsoft is a corporate entity like none other in history; it has shown the largest profit, the largest growth and the largest abuse of its position and power of any corporation in history. However, it is still a corporation like any other in the coutry. The antitrust laws, as they are on the books today, still apply to it. Microsoft has unfairly gained advantage over competition and, in turn, used this edge it created to further its dominance over the market. As it gains speed, as it expands further and further out from the base of software development and Operating Systems, it threatens to bring its strong-arm tactics to other areas. The threats to innovation—and to say that innovation, in a capital economy, must perish because those who innovate can't compete with a barrelling juggernaut is a specious argument at best—and competition are real and large. Ultimately, the consumer pays the highest price: expensive, single-source software (and now hardware and media options) that only allow for what Microsoft decides is good for itself. This kind of future is specifically what the antitrust laws were put in place to prevent. If there was innovation, fair competition and a variety of choice in the software industry, there would be no need of antitrust proceedings or a judgement against Microsoft; market forces and competitor vying for consumers would shape the outcome. This is how it was in the 1980s, but that was about the last time there was that level of real capital competition.

In closing, I believe that only by forcing Microsoft to submit to stringent, rigorous monitoring and being subject to real, stiff and enforced penalties will fair market forces be able to once again reign in the software industry. Microsoft must be made to fully describe and open its Windows API and fully disclose the format of its Office suite of products. This would foster faster and stiffer competition than would splitting the company into parts. The Findings of Fact have not been disputed. Microsoft is a monopoly, possibly the largest and fiercest one this country has ever encountered. To treat it as anything but such is folly and is folly that ultimately plays itself out on the United States government as a whole and the consumer, who is ultimately the benefactor of antitrust protection.

- Alan Hecker

''Never send a Monster to do the work of an Evil Scientist.''

MTC–00016523

From: Bill Hay
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

Dear Sir, I am writing to you with regard to the Proposed Settlement in the Microsoft Antitrust case. Although I am a US Citizen I live in Britain and as such I am rarely concerned with the details of the US government and justice system. However the outcome of this action affects me here in Britain as Microsoft's monopoly is extant throughout most of the free world.

As a computer professional I am familiar with the practical means by which Microsoft has abused its monopoly power to crush the competition. Having examined the proposed judgement I do not think it will provide sufficient restraint on Microsoft's Conduct to prevent it from abusing its position.

In order to allow other companies, groups or individuals to compete fairly against Microsoft they need access to details of the currently undocumented APIs, network protocols and file formats that Microsoft uses. Companies that are not monopolies do not benefit from concealing this information as evidenced by the far more liberal distribution of such information by Microsoft when its monopoly was less complete. With the advent of the internet and print-on-demand technologies providing this information without restriction to all who might want it can be done cheaply and efficiently.

The proposed judgement:

i) Does not require disclosure of file formats.

ii) Greatly restricts the APIs which must be disclosed and the purposes for which this information can be used.

iii) Leaves the disclosure of network protocols subject to an unspecified license on ''reasonable terms''. There are few bodies other than the US government with the resources to litigate whether a Microsoft license is reasonable. The proposed judgement should be revised to ensure that details of all APIs, file formats and network protocols are available for use by competitors, both commercial and non-commercial, both open-source and closed source.

Yours Sincerely
William S Hay

MTC–00016525

From: Michael P. Jones
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

The current proposed settlement is not good. It does not take into account Windows-compatible competing operating systems.

-Michael Jones
Ruckersville, VA

MTC–00016526

From: Nicholas Perez
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Why I think the Proposed Settlement is Wrong.

Perhaps I am going out on a limb here, but with a convicted monopolist why are you even considering listening to their ''proposal'' for a ''settlement''. Would you listen to a murderer talk about restrictions on his daily life in the hopes of not getting the chair? It is painfully clear that the judge should simply ignore anything that comes from the convicted monopolist, and develope her own remedies that seek to punish Microsoft for it's ill gotten gains. Suppose the Microsoft settlement is accepted, does microsoft lose any of the —billions— of dollars it has gained from breaking the law?? Does microsoft retain its market position as a monopoly that has stiffled innovation and bullied other competing businesses? A convicted criminal would say or do anything to get his sentence reduced, even lie, cheat, or threaten the court. I simply do not see the ''proposed remedy'' being a remedy any more than one inch bandaid being a proper dressing for a deep bleeding gash. As a law abiding, tax paying citizen, I strongly oppose my tax dollars being —wasted— on such an endeavor as this proposed settlement. That is all.

Nicholas Perez
303.871.5446
Denver University
1901 E. Illif Ave.
Denver, CO

80210

MTC–00016527

From:
jonathan.cole@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:26am

I wish to raise my objections to the Proposed Final Judgement in United States v. Microsoft. There are many areas that the proposal fails to protect the public and the computer hardware and software industry from the deliberate monopolistic practices of Microsoft. I wish to call the department's attention to http://www.kegel.com/remedy/letter.html for a comprehensive analysis of the Proposed Final Judgement and it's inadequacies. For the sake of brevity, I shall make a statement to the necessity of a fair and open software market. To achieve a market that offers robust, secure, and innovative computer systems, both for the public at large and private industry, it is imperative that any agreements force Microsoft to cease practices that create artificial barriers for Independent Software Vendors. Microsoft should be prohibited from placing overly restrictive terms in licenses. For example, such terms should not disallow the distribution of Redistributable Components with applications targeted for Windows-compatible competing operating systems. The Microsoft Platform SDK EULA states, ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This is an anti-competive practice and limits the public's choices when choosing an operating system to run on computer hardware they have purchased. Unless such restrictions are removed from Microsoft licensing, Microsoft will not find it necessary to compete in the operating system market on criteria of quality. The public will have no real choice, because of limited application software availability, but to continue to purchase Microsoft operating systems which for many years have been known for their instability and general poor quality. Such licensing terms restrict entry into the market and constitute an anti-competitive, monopolistic practice. It is only because of their monopoly that Microsoft can place such terms in their licenses without limiting the sales of their own products. Finally, I would alert the Departement of Justice to the inadequacy of the definitions within the Proposed Final Judgement. I am concerned that many of the definitions, eg the definitions of ''API'' and ''middle ware,'' create loopholes in the agreement that will allow Microsoft to avoid even the limited prohibitions.

Best regards,
Jonathan Cole

MTC–00016528

From: Mark Saward
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I am an Australian concerned with the current settlement in the Microsoft settlement. It seems to me that the company is not being punished anywhere near the level required to restore damages done. Not only that, it seems to be encouraging the opposite: any opposition badly damaged because of Microsoft's illegal actions are going to be finished off in this settlement which helps increase the monopoly of Microsoft.

I am not sure why such a settlement could be proposed, and it seems to me insanely inadequate. The reason why I, an Australian, feel compelled to write is because the decisions that affect Microsoft today in America affect computing here in Australia immensely.

Thank you for reading,
Mark Saward

MTC–00016529

From: chris.gamble@CPBINC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

Microsoft has done untold amounts of damage to the IT industry. They have driven many software companies out of business, and prevented many others from even starting due to fear of being attacked. This company was rightly convicted of being an illegal monopoly and if our industry is ever expected to grow in a secure and stable manner, something must be done. The settlement proposed does nothing to rectify this situation. There are many points that the proposed settlement falls short, but the most important is granting Microsoft the right to choose who should have access to their API set. The language in the settlement is so vague that Microsoft will more than likely continue to do business exactly as they are doing it now. Please consider that one company can not employ every technical worker out there. One company can not secure our nations most important infrastructure. Microsoft needs to have a settlement that will allow other companies to grow.

Thank you,
Chris Gamble
2112 Pritchard
Grapevine, TX 76051
p: 817–410–7352

MTC–00016530

From: Robert Gomez
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

As a network engineer, I feel that the proposed settlement doesn't go far enough. Microsoft has already formed a monopoly and the actions taken against it should focusing on breaking Microsoft's existing monopoly not just on preventing future problems. I would suggest either forcing Microsoft to aid it's former competitors or splitting Microsoft in to several pieces.

Robert Gomez
Senior Technical Analyst
Neurosource
515 North State Street, Suite 1700
Chicago, IL 60610
Phone: (312) 670–3944

MTC–00016531

From: Eric St. Onge
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement is a very very bad idea. It has too many loopholes. In particular, why should Microsoft be allowed to change the desktop to whatever they please after 30 days of use? It seems like a joke.

Thanks,
eric

MTC–00016532

From: Ethan Ligon
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Proposed Microsoft Settlement

I would to take advantage of the provisions of the Tunney Act to register an objection to the proposed Microsoft settlement. As an economist with an interest in antitrust issues, I regard the settlement's provisions regarding alternative operating systems with alarm—-in particular, Microsoft is *not* forbidden from taking a variety of retaliatory actions against OEMs who ship machines pre-loaded with an alternative operating system, or for that matter, without any operating system at all.

My research involves considerable computation, and I have never used any version of Microsoft windows on any of the many computers I've purchased. Nonetheless, I have been compelled to pay for various versions of MS Windows, as Microsoft tends to compel system vendors to install MS Windows on all machines they ship.

Sincerely,
Ethan Ligon, Assoc. Professor
Dept. of Agricultural & Resource Economics
University of California
Berkeley, CA 94720–3310, (510)643–5411

MTC–00016534

From: Ken Baker
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I am strongly against the proposed settlement between the DoJ and Microsoft. I am an IT professional who has, over the past several years, watched as Microsoft has bullied, coerced, and generally forced their products on the public. They have also bullied, coerced, and generally forced their products on the various OEM computer manufacturers. I have watched as Microsoft, using the huge financial resources available to them, bundled and given away their products as a method of effectively removing competition from the marketplace.

I have watched as Microsoft has gobbled up competing companies, thereby destroying that company's product(s). I have watched as Microsoft has taken Public Domain standards and modified the technology of those standards, effectively making them proprietary. This can, and has, damaged interoperability between Microsoft systems and systems from competing vendors. I have cleaned up damage done to Microsoft products because the products are not, by design, secure. This has cost my customers large sums in my labor charges, as well as the cost of downtime during the cleanup.

Finally, and in yet another example of monopolistic behavior, Microsoft appears to be trying to slowly take control of the Internet (a public resource) and the public's dollars through its .NET initiative and Microsoft Passport.

I strongly urge the court to reject the proposed settlement and take the necessary steps to break the stranglehold that Microsoft has on this industry.

Ken Baker
Ken Baker Consulting

MTC–00016535

From: Scott Milliken
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I would like to register my disagreement with the proposed settlement of the Microsoft Anti-Trust case. With the new licensing model that Microsoft has adopted with Windows XP, it is quite clear that their settlement proposal is merely an investment in future license renewals. What would seem like a windfall to the poorly financed school districts throughout the United States will turn into a recurring nightmare of license renewals for what was originally pitched as free software.

Security is also of major concern here. It is a well documented fact that the majority of viruses are written specifically for Microsoft Windows operating systems and the bundled features within those operating systems. The settlement proposal does not address the need for a full time administrator to handle the constant virus scans and system updates that are part of the daily care and feeding of a Windows system.

Sincerely,
Scott Milliken

MTC–00016536

From: David Brickner
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

As allowed by the Tunney Act I am commenting upon the proposed settlement to the Microsoft Anti-Trust trial. I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. It has been ruled that Microsoft has an abusive monopoly and has performed anti-competitive behavior to the detriment of US corporations, US citizens and customers, and, by extension, the world market. These abuses drove such companies or products as Stac Compression, DR DOS, Netscape, WordPerfect, and Lotus SmartSuite out of business or to bare existence levels. There is nothing in the ruling that compensates these companies, or their customers, for the price gouging and loss of innovation that Microsoft's actions have caused. Specifically, why is it that the cost of Microsoft Windows and Microsoft Office Suite are rising at the same time that hardware prices have dropped to commodity levels? Dell, Gateway, Compaq, HP, and IBM are all competitors for our hardware dollar and they get that dollar with quality products, low prices, and excellent service. Microsoft, in their monopoly position, uses proprietary formats that do not allow for direct competition on the aforementioned quality, low price, and service. They are able to charge high prices (thus protecting their fantastic profit margins) without fear of strong retribution from the customers or loss of revenue. WordPefect, as an example, cannot compete with Microsoft, because their product cannot read and write to Microsoft document formats without loss of information or formatting. They cannot compete on a level playing field, and customers cannot switch because their data, their business, is tied to Microsoft formats. Microsoft has cried foul when the Department of Justice has sought to curtail it's ''innovations'' and prevent additional software from being added to the Windows Operating System. But, innovation has suffered more because of Microsoft's abusive monopoly. Nearly evertime a truly new, or innovative idea has emerged in the computer market Microsoft has either attempted to buy the technology or subvert it to their own ends. In many cases, they do both, they buy the technology and push it under the rug, then introduce their own proprietary version that they then foist upon the unsuspecting world. In all cases Microsoft is not the innovator they are the deep pocketed megacorporation who is seeking to extend their monopoly.

Examples of this abound:

(1) Stac created a disk compression technology that was incredibly useful because hard disk sizes were so small. Microsoft created a competing product that came bundled with DOS and Windows that was actually based upon the Stac technology. They stole from Stac and used it to increase their own Windows market. A trial and settlement later insued, but Stac was never a viable company or technology again.

(2) MP3 files are all the rage for music sharing. Regardless of the possibly illegal implications of sharing such files, it is a viable technology in widespread use in the world, a de-facto standard. Microsoft will have none of this and has introduced it's own compressed media playing format that you can only get from Microsoft. In it's latest incarnation you cannot play it on Windows 95 because Microsoft has decided that they want to force users of that operating system to upgrade to later editions. MP3 files can play on nearly any OS in existence, encouraging diversity and giving people what they want on the operating system they prefer to use. Windows Media Format does not allow for this. Microsoft is also pushing their format onto hardware vendors to replace popular MP3 players, and onto home sterio equipment. Who, other than Microsoft, is really be served by this?

(3) Real practically created the online media streaming content, and briefly their future was bright. Then Microsoft decided that they also wanted this market. How is a small unknown company to compete with the monopoly that owns the platform the access?

(4) Microsoft decided to get into the game market and is now one of the #1 vendors of video games on the PC (they are also seeking dominance in the game console market). By owning the platform, Windows, they are able to modify the very code of the operating system to support their own gaming efforts, no othamer vendor can compete with that. Competing game companies, barely surviving between game titles, are an easy purchased by the exceeding wealthy Microsoft.

(5) Hardware vendors who might have been encouraged to use competiting operating systems such as BeOS, Linux, GeoWorks, OS/2, and such were not allowed to by exclusive contract deals with Microsoft that they were practically forced to agree to. Without these deals they could not have been competitive with those vendors who signed them. Dell, without such a deal, would have always had hardware prices consistently higher than Compaq with the deal because they would not have gotten the same price levels for the Windows Operating System or Microsoft Office despite ordering the same volume. This controlling of the ''boot sector'' is a major reason for the continued dominance of the Windows Operating System.

(6) By virtue of tie-ins to their operating system (the platform) Microsoft gains an automatic advantage over competitors. Who is to say that Microsoft doesn't do things that inhibits competition? They have already had a lawsuit that they had to settle with relation to DR DOS. DR DOS was an operating system that competed with MS DOS. Microsoft deliberately put code into its Windows 3.0 system, that ran on top of DOS products, to make it less stable when the DOS version was DR not MS. That is akin to AT&T owning all the telephone lines and creating switches that automatically put static on the lines with a customer uses Sprint or MCI.

In fact, that is how Microsoft Windows, and possibly Microsoft Office should be considered. Ubiquitous products that should have fair use laws placed on them. If Windows is to be the dominant desktop system, then all competitors should have fair access to it, just like competitors have access to telephone lines, highways, airlines, and railroads. My preference though is to not see Windows in this role, but an operating better suited for such a task, such as Linux, or the technology innovative BeOS.

Microsoft must be punished with both monetary charges and structural changes that will force it to not be able to use it's ownership of the platform (Windows) to push its other product offerings. Monetary charges must be severe, and reflect the overcharging they have been able to do for the past 12 years at least. Structural changes must be sweeping and create immediate entry for competitors to either compete on the Windows platform, or against the Windows Operating System. Anything less that changes such as these means that US government has not performed the necessary actions in protecting free commerce in this nation.

Thank you.
David Brickner
512 School St
Belmont, MA 02478
(617)489–7492

MTC–00016537

From: Alexander Baldwin

To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Alexander Baldwin
home: 617–254–6118
email: hagbard@bu.edu

MTC–00016538

From: Craig Pennington
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Firstly, I would like to note that I believe that all of the problems noted in Dan Kegel's analysis, which can be found at <http://www.kegel.com/remedy/remedy2.html>, are flaws so severe as to make the proposed settlement unacceptable. Particularly, I would like to object to the practices which would still be allowed toward OEMs. The proposed settlement allows Microsoft to penalize OEMs who ship a Personal Computer with no operating system or one competing operating system. That is, under section III.A of the proposed settlement, Microsoft is prohibited from penalizing OEMS who ship a PC with a Microsoft operating system and another operating system, or who ship a PC with multiple non-Microsoft operating systems but does not prohibit Microsoft from penalizing OEMs who ship a PC with one competing OS or no OS at all. This has the indirect effect of penalizing consumers like me, who obtain install media for other OSes from other sources who would like to buy a PC without paying for an OS that I will not use.

It also penalizes consumers like my employer who purchase Intel based computers with one non-Microsoft operating system pre-installed. I do not object to Microsoft rewarding those OEMs who sell a lot of Microsoft products, but I do object to Microsoft being allowed to penalize OEMs who choose to also sell hardware without a Microsoft product installed.

Until this and the other flaws noted by Dan Kegel are corrected, I oppose the settlement.

Sincerely,
Craig Pennington
Craig Pennington
900 North Liberty Street
Arlington, VA, 22205
(703) 536–4399
cpenning@plasticFish.net

Corollary to Clarke's Third Law: Any technology distinguishable from magic is insufficiently advanced.

MTC–00016539

From: Brian LaMere
To: 'microsoft.atr(a)usdoj.gov',' petition(a)kegel.com'
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

The purpose of th trial is because Microsoft has a stranglehold on the market with its monopoly. The ''settlement'' in NO way changes that. The settlement is rediculous. In fact, the settlement furthers the problem by engraining microsoft more into the society. What we need is not more copies of microft operating systems out there, we need to stop the unethical practices of microsoft. They do not lose anything by giving away copies of their software, they gain.

Brian LaMere
4860 Clairemont Mesa Blvd #8
San Diego CA 92117

MTC–00016540

From: Kevin—The Alchemist—Sonney
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To whom it may concern—

I would like to voice my opinion AGAINST the proposed settlement with Microsoft. The terms, I believe are no more than a slap on the wrist, and will, over the next five years, actually increase the monopoly power already held by Microsoft.

This will be bad for everyone—except Microsoft.

Kevin ''The Alchemist'' Sonney
ICQ: 4855069
AIM: ksonney
320C 0336 3BC4 13EC 4AEC 6AF2 525F CED7 7BB6 12C9
CC:petition@kegel.com@inetgw

MTC–00016541

From: Steven Lucas
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I believe that the Microsoft settlement, as proposed, is a very bad idea. The settlement amounts to an endorsement of Microsoft's continuing anti-competitive behavior and will do nothing to prevent future transgressions. Please reconsider the settlement and its effects.

Thank You
Steven Lucas

MTC–00016542

From: Nick Aubert
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

Hi,

I am writing to express my disagreement with the current terms of the Microsoft settlement. Intellectual property and copyright laws applied to the technology industry should foster healthy competition and encourage development, which benefits consumers and business.

Microsoft uses intellectual property laws and it's virtual monopoly over the desktop operating system market to crush competion at every oppertunity. If Microsoft is allowed to have it's way, it may very well succeed in it's efforts to deny consumers the right to choose from among competing products. This would be bad for U.S. intrests, as well as bad for the world at large.

The IT industry is too important for any single company to be allowed to dominate it, the way Microsoft currently dominates the desktop. Microsoft must be made to fully disclose it's Windows applications programming interface (''API'') set, as well opening it's file formats to competing companies and operating systems.

Thanks for your attention.
Nick Aubert
Network Technician

MTC–00016543

From: John Cartin
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

I do NOT agree with the current settlement agreement between the DOJ and Microsoft. The reasons below are my primary concern. . .

1. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

2. The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

3. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

If these practices are allowed to continue, I believe that the anti-competitive behavior of Microsoft will most certainly continue to increase the barriers of entry to the market and will eventually strengthen its place in the computer market.

Thank You,
John B. Cartin

MTC–00016544

From: Chris Corayer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I am writing to oppose the current settlement proposed. In my opinion it will change little, if anything.

What I would rather see happen is the following:

1) ALL file formats should be documented and open. This will allow FULL compatibility with competing office suites such as Sun's Staroffice. Full compatibility will by it's very nature force competition into the marketplace. The MS product suite will have to prove to its userbase that it is worth spending the money to buy said product when there are other products out there that can read/write their format. This should apply to file formats other than just the office products.

2) Full disclosure/documentation of protocols. This would allow such things as the SAMBA group to allow full windows features on UNIX/BSD/LINUX machines and allow simple integration of those machines into a windows based network.

3) In the rare case where Microsoft may claim security risks, I would respectfully point out that many of the other UNICES, like FreeBSD and the different Linuxes, do not seem to have many problems with full disclosure. In any event, it should not be sufficient for Microsoft to claim security and not furnish information. They should be forced to PROVE that something would be completely rendered vulnerable if certain protocols were fully documented. This process should be overseen by at least half of Microsoft's competitors who should be able to determine if this were the case.

4) Microsoft API's should also be fully documented. This will prevent such things as company A being put out of business should Microsoft decide to implement a similar program that uses ''undocumented features'' to make the Microsoft product run better or more stable.

5) No bundling should be allowed in a default install. There SHOULD be an option to install additional software during the install process, but this should not be the default option. Most other OS's allow a simple base install. This will not generally include web browsers, multimedia, or instant messaging clients.

6) No exclusive licensing on the boot loader. Microsoft should not be allowed to require that only Windows be installed or that the only option shown upon booting be Windows. There should also be safeguards in place to prevent retaliation by Microsoft on this point.

The first two points I consider absolutely critical. The internet was based on fully documented, and freely available protocols. Microsoft's Active Directory is a minor modification of LDAP and Kerberos. Both of these are widely used protocols, but they will NOT work with the Microsoft versions.

This prevents competition. The Office Suite is so engrained in the corporate sector that there will not be any competition until competitors can make a fully compatible product. This will not happen until the file formats are fully documented.

The remaining points are optional. I include the third just in case exceptions for security are allowed. I am however willing to make allowances if there is some property that Microsoft licensed from another party and the license does not allow use in another product or similar situations. The fourth point I made is much like the browser issue. For a while Netscape would crash often. Certain instant messaging clients were very unstable.

The fifth point is simply to promote users to try non MS software. The option to install Internet Explorer would be available during the install, but it would no longer be mandatory. I include this due to recent events where Microsoft's website was made inaccessible to users who used the competing Opera web browser. Behavior such as this makes me extremely suspect of any guarantees by Microsoft regarding their behavior without outside oversight.

The final point is one that was already in the proposed settlement. I feel that this requirement be kept in any future proposal.

Thank you for your time.

-Christopher Corayer
Information Services
ADE Technologies
77 Rowe Street
Newton, MA 02466
p.617.831.8043
f.617.243.4443

MTC–00016545

From: Dale Carlson
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I see a 3 part solution:

1. Force Microsoft to open their APIs to anyone who wants them.

2. Prohibit Microsoft from requiring every PC manufacturer who ships a Microsoft-based OS compatible PC to purchase a licence for EVERY machine they make. For example, if someone wishes to purchase a Dell PC to run Linux, they should not be forced to pay for a copy of Windows that they will never use.

Most importantly:

3. Limit the number of technologies Microsoft can purchase every month/year. Since they do not innovate, but rather swallow up other companies and technologies, they destroy competition. This is a fundamental part of their business strategy. Instead of developing a better competing product, simply buy out the competition. It is impossible to eliminate Microsoft's existing monopoly. Preventing it from continuing is the key. Financial penalties only drive up costs for those who are forced to use the entrenched MS products, and fail to serve any purpose. Requiring Microsoft to donate their technologies to schools does nothing but strengthen their monopoly. The settlement must prevent the continued spread of Microsoft's stronghold on the industry. It can be summed up very simply. In the case of Apple computer, potential Macintosh computer customers are often most concerned about whether or not the Mac runs Microsoft Office. In fact, some people don't purchase Macs because they believe they can't run Office (Word, Excel, etc). The fact that they can run Office, yet this fact is poorly advertised is irrelevant. What is relevant is that people are so dependant on Microsoft technology that it influences multi-thousand dollar decisions.

This dependancy on software from a company whose track record on security is not exactly excellent is a scary thought indeed. Support diversity in the industry.

Dale Carlson

MTC–00016546

From: Michael Pryor
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I would like to make some comments concerning the Microsoft settlement.

I believe that the proposed settlement between the Department of Justice and Microsoft should NOT be accepted in its current form. Reasons for this are:

—Microsoft has been proved in court to be a monopolist

—Nothing in the settlement will prevent Microsoft from erecting further barriers to entry to compete in the operating system market

—Microsoft has sufficiently large ''mind share'' amongst customers that no company can effectively compete against Microsoft unless they have the same amount of financial resources to bring to bear to compete. Microsoft has $30 billion dollars in cash to create competing products in any marketplace they choose. They are adding to that hoard at the rate of about $1 billion per month. A good deal of this cash hoard was accumulated due to their monopolistic practices.

Suggested solutions to help correct the problem:

—A large cash fine should be applied to Microsoft. Some sources suggest that Microsoft has accumulated this large a cash hoard illegally by not giving out dividends which are taxed by the receivers. To my understanding, Microsoft has not paid taxes on this level of retained earnings. A large fine would reduce the resources that Microsoft has to erect more barriers to entry.

—Require changes to all Microsoft licenses that currently prevent their tools from creating executable programs that run on other operating systems and prevent their applications from executing on other operating systems. All licenses for all Microsoft products should allow usage on any operating system. Microsoft uses the current license terms to help prevent the growth of competing operating systems.

—Require that Microsoft provide timely (within 1 month of their release into any publicly available product, including beta products) any additions or changes to operating system interfaces. This includes ALL interfaces, including security interfaces. The language in the current settlement document allows great leeway to Microsoft to withhold information for certain APIs. This act of withholding does not level the playing field.

—Remember that with Microsoft's large cash hoard, it is only a matter of time before they are able to create a monopoly in other areas of computer hardware and software. This kind of legal action will quite likely be required in the future unless appropriate action is taken now to prevent the inherent behavior that brings rise to the problem.

Thank for listening.

Michael Pryor
431 Stone Fence Rd.
Rochester, NY 14626
(716) 227–0086

MTC–00016547

From: David Ashley
To: Microsoft ATR
Date: 1/23/02 11:30am
Subject: Microsoft Settlement

I am disheartened by the news that the case against microsoft will be settled shortly. It is clear that justice is not being done, and that once more microsoft will get away with committing corporate murder.

Microsoft cannot be trusted. The only solution to microsoft's abuses is to divide the company into at least two new companies, one part owning the OS, and the other owning everything else. Also microsoft must be required to compensate the many companies it has already either harmed significantly or destroyed completely.

I urge the DOJ to reconsider ending this case now without any real penalties imposed against microsoft. Better to cure the cancer that is microsoft now, rather than lull ourselves into a false sense of security.

Sincerly,
David Ashley
dash@xdr.com

MTC–00016548

From: Vincent Keunen
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Dear Sir,

Please excuse any language errors, I am not a native English speaker. I am the manager of a small company in Belgium, Europe. I am strongly against the proposed settlement. I am really and honnestly convinced that it will not do much to prevent Microsoft from conducting its aggressive and illegal business (let alone unethical). There has been several very clear demonstrations in the past that Microsoft does not hesitate to have such behaviours. It is also very clear to me that, already now, they are seriously preparing other kinds of such ''competitors eliminations''. What Microsoft has done in the browser market to Netscape, it is also doing it with its Windows Media Player to Real Player and Apple's quicktime; with its Instant Messenger to AOL's Instant Messenger; with its MSN network to other News networks on Internet; with Outlook to all other email and agenda systems; etc... Not as visible but also important is that all those ''client'' applications need server software. If Microsoft illegally controls all those client software, it will also very easily promote its server software (like IIS, Exchange, Media server, IM server,...), preventing others from developing such server software. This is also true, although to a lesser extent, for development tools.

Our company is betting on Java to develop faster, easier and in a more portable way various software systems. Microsoft is trying as hard as they can to kill the Java platform (not to be confused with Java, the language). So Microsoft is, again, going against our own interests, our clients interests and the good health of the software industry in illegal ways.

Please do consider real solutions to this several years long problem. Time is in favor of Microsoft. They know it. They do all they can, as fast as they can, to quickly capture the various new markets I mentioned above and kill competition as they did with the browser.

I can't help but feeling pretty insecure that the tool (the internet browser) used to access the vast amount of information, data and entertainment of the Internet is today belonging to a unique, monopolist, abusive, private, commercial company. This gives them an enormous power and ability to control so much of the information society. I really fear for my kids: they will live in a world controlled by a small number of private, commercial companies known to do many illegal things to get more power.

Please keep my testimony as anonymous as possible, because currently, the software world being so dependant on Windows and Microsoft that if it were known widely that we are against Microsoft, we would probably lose a significant part of our business.

Thank you.

—

!try; do()

—

Vincent Keunen, Ir, http://vincent.keunen.net Manex, rue Wagner 93, BE-4100 Boncelles, Belgium http://www.manex.be

MTC–00016549

From: Brandon
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I would like to register my opposition the the proposed Microsoft settlement, I feel that it does not do enough to adequatly prevent Microsoft from abusing its monopoly power. I feel that an effort should be made to COMPLETELY open all protocols and API's related to Windows and it's variants, thereby allowing competitors to compete on the desktop.

Thanks for your time,
Brandon Neill
Westminster, Colorado

MTC–00016550

From: Pat Wheaton
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. They have not done nearly enough, and have not abided by the spirit and letter of earlier agreements.

It is time to stop letting MS break the law because of their power and influence. Making this happen is your job, in my opinion.

Thank you,
Pat Wheaton

MTC–00016551

From: Breland, Martin (US MC)
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To Whom it May Concern,

It is my heartfelt opinion that the proposed settlement in the Microsoft Anti-Trust case is not a good resolution to this matter.

Microsoft has violated the law, and needs to be made to understand that this is a situation that is taken very seriously, both by the government and by the people of the United States.

Sincerely,
Martin V. Breland
Grand Bay, AL

MTC–00016552

From: John T. Shaw
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Dr. Sirs,

The current idea for settlement with Micrsoft over there anti-trust violations is a very disturbing one.

Nothing in the settlement either 1) discourages Microsoft from increasing there monopoly or 2) forces Microsoft to give up market share.

What you will get from this settlement is more of a monopoly in the education sector from Microsoft and little else. The education sector is one of the few left that Microsoft doesn't have almost complete control over so such a penalty could be devistating to competitors.

What needs to be done is the following:

1) Microsoft must be forced to open the important standards and libraries so it is possible for competitors to be on a level playing field. This is not to say they must make there operating system open source, but they should open the libraries that allow such products as Office or Internet Explorer to be integrated so well with Windows.

2) Microsoft must no longer be allowed to bundle more and more programs into Windows forcing 3rd party vendors out.

3) All OEM contracts with Microsoft that do not allow OEM's to install multiple OS's on a machine that contains Windows should be modified such that OEM's have this freedom.

4) Microsoft should be forced to give 1 Billion dollars in hardware to schools. The hardware should be delivered in working condition running with only competitors software and hardware. No Microsoft products should be allowed in this penalty.

I am sure you will consider these thoughts, and those thoughts of all others and see that Justice and the best interests of the people are served here. Thank you for your time.

John T. Shaw

—-

Computer Engineer, Georgia Institute of Technology
jtshaw@resnet.gatech.edu
Cell: (404) 432–3983

MTC–00016553

From: Bruce Timberlake
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I am writing to voice my concern, in accordance with the Tunney Act, over the proposed Microsoft settlement. I am a user and supporter of free and open source operating systems like Linux, FreeBSD, and OpenBSD, and of open source applications like OpenOffice, KDE, and Gnome.

I am convinced that not enough effort is being spent really ensuring that Microsoft is

(1) punished for their outrageous and damaging monopolistic practices in the computer industry, and (2) prevented by airtight legal terms from being able to stray down that path again. It is tough to do given the nature of the computer industry: rapidly changing, and not necessarily easily understood by the average person.

Nor, possibly, by those who must make the final decisions. I hope that once the key elements of an acceptable settlement are repeated over and over by those of us in the industry, they will be incorporated. I am all for capitalism, and the best company/product/idea becoming successful in the marketplace on its own merits. But when the playing field isn't equal, due to marketing, ''backroom'' negotiations, unequal licensing terms for manufacturers who may not ''toe the line,'' etc, then the best company isn't necessarily the one that wins. The best company might have never had a chance from the beginning.

I don't want to pretend that I have all the answers, or even many of them. But as a part-time programmer, I think a few key ideas have to be part of the settlement, and they must be written in straightforward, airtight language, so that Microsoft cannot ''figure out a way around them'' at any point in the future:

1. All file formats—past and present (as of the date of the settlement)—ever used by any Microsoft operating system or program, and specifically any member of the Office suite (Word, Excel, Powerpoint, Outlook), must be made completely and immediately available as ''public knowledge'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

2. All file formats created and used after the date of the settlement by any Microsoft or subsidiary company's operating system or program, and specifically any member of the Office suite (Word, Excel, Powerpoint, Outlook), must be made completely available as ''public knowledge'' no later than the date the product is avaiilable to manufacturers for bundling onto computers, and in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

3. All APIs used to communicate between any Microsoft products (operating systems and/or applications) shall be completely divulged to enable the complete and unrestrained interaction of non-Microsoft operating systems and/or applications, or replacement of Microsoft operating systems. This shall specifically include the Exchange and SMB protocols. This information will be made available as ''public knowledhe'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

4. No computer manufacturer who offers Microsoft operating systems pre-installed on their computers can be penalized in any way (through fee increases, contractual obligations, etc) if they wish to offer alternative operating systems for customers who desire one either in place of, or in addition to, a Microsoft operating system.

There are many other issues that I don't feel competent to suggest a remedy for, but which I would like to state as a concern anyway: The oversight committee needs to have the staffing and authority to report to the public what Microsoft is doing to ''make good'' on the terms, and the ability to truly punish Microsoft in some fashion if it does not comply with both the letter and the spirit of the settlement.

One idea proposed by Ralph Nader seems especially appropriate: ''The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.''

I also heartily agree with and endorse the GNU Foundation's suggestions, some of which mirrors my own ideas at the opening of this letter:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

2. Require Microsoft to use its patents for defense only, in the field of software. It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

To close, I would like to quote the summary by the Computer and Communications Industry Association of the DOJ settlement compared to that ordered by the DC Circuit Court of Appeals: ''The settlement being prepared by Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the DC Circuit's unanimous opinion affirming Microsoft's guilt, that the only explanation must be political pressure. Whether or not the public learns of the backroom activities will be the responsibility of Judge Kollar-Kotelly under the Tunney Act public hearings that are required before approval of anti-trust settlements.''

Thank you for taking the time to read this.
Bruce Timberlake
Carlsbad, CA

MTC–00016554

From: elisabeth.kock(a)excite.com
TO: MS ATR
DATE: 1/23/02 11:29am
Subject: Microsoft Settlement

to Whom it may Concern,

I find the proposed settlement to be a bad idea. Do something about it!

MTC–00016555

From: Smith, Wayne (TBC)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

To Whomsoever this may prove to concern,

The Microsoft settlement as proposed, is a very bad idea.

Thank you for your time,
Wayne Smith

MTC–00016556

From: Benjamin Smith
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

This is to make my voice heard:

I oppose the current form of settlement in the Microsoft anti-trust trial. While there are glimmers of remedy in there, it does virtually nothing to remedy the actual anti-competetive nature of Microsoft's past actions. Having won the case, having proven Microsoft's illegal conduct, and obtained a judgement that has withstood significant legal challenge, I just don't understand the logic in a ''slap on the wrist'' and letting Microsoft free to resume their activities.

Since no justice has been served, this agreement amounts to nothing more than ''don't do it again'' (again), this is a settlement for the sake of settlement.

This only compounds the problem, as this sets a social and legal precedence to allow vicious acts of this nature to continue unchecked!

Please reconsider this settlement!
-Benjamin Smith
Chico, California.

MTC–00016557

From: Dominic Giampaolo
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Hello,

I would like to voice my opinion on the Microsoft Settlement. I am encouraged by many of the restraints the settlement imposes on Microsoft's behaviour. As a software developer however, it is clear that a few additions and modification need to be made for the settlement to offer a viable development path for third parties.

The biggest stumbling block to developing competing products is that Microsoft does not document their file formats well enough (or in a timely fashion) nor do they always document all of their API's completely. Without this critical information developers can not make products that work well with Microsoft tools nor can they do it in a reasonable time frame.

Consider the case of a Microsoft Word document (a ''.doc'' file). If you want to develop software to read or write that file format you must reverse-engineer the format or use Microsoft's woefully inadequate documentation of the format. This insures that your products will be perceived as inferior to Microsoft's. Further their published documentation often does not match what their applications write out in practice since they regularly change the file format and do not document the changes. This is a costly area of development for a third party and one that is a never-ending battle. Unless the file format information is accurate and complete you can never develop a product that the market will perceive as anything other than a second class citizen to Microsoft's products.

In the area of Windows API's, the same thing happens. Microsoft applications will use undocumented API's, lending them features that require external developers considerable more time to implement.

I feel that the settlement proposal should include provisions to ensure that Microsoft releases complete, correct file format and API documentation in a timely fashion *before* the commercial release of a product. Without this, third party developers will never be able to compete on a level playing field with Microsoft.

I hope that my opinions echo those of others and that you'll consider my remarks carefully.

thank you,

—dominic giampaolo

MTC–00016558

From: Chris Hadley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I think settling is a really bad idea. It doesn't attempt to fix the problem, that Microsoft has an almost complete monopoly on computer operating systems. They are still using that monopoly to crush software makers and other operating systems. So what if they have to pay billions? They'll just make it back in a year or so, and in that same year will increase their profits and their stranglehold even more. Any remedy that does not increase competition for Microsoft is a joke.

Thanks,
Chris Hadley
Microsoft Certified Professional

MTC–00016559

From: Michael Meckler
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I would like to comment on the currently proposed Microsoft settlement. I write software for a living. Much of my time is wasted working around flaws in Microsoft's code and operating systems.

Microsoft is a monopoly, and they abuse their monopoly power to gain and retain market share. People who write software know how difficult it truly is to work with Microsoft. If Microsoft truly cared about innovation, if they designed APIs and tools that truly advanced the state of the art, then the vast cloud of animosity directed towards Microsoft would dissipate.

But that's not the case. Microsoft directs the vast majority of its resources towards simply increasing revenue, at the cost of the quality of its product. But we, the technology workers, are forced to deal with it. It costs us time, and money. The entire American economy suffers. Microsoft must be forced to allow true competition on the desktop.

American consumers and software developers need true choice, not the anemic alternatives offered by Macintosh and Linux. The current settlement does nothing to address these concerns; in fact, the proposal seems almost ludicrous.

Thank you,
Michael Meckler
7239 Pacific View Dr.
Los Angeles, CA 90068

MTC–00016560

From: Dale Hawkins
To: Microsoft ATR
Date: 1/23/02 11:30am
Subject: Microsoft Settlement

Hello. I am writing to express my discontent with the Microsoft settlement. I am especially concerned with the inability to read, edit, or otherwise interact with various Microsoft document formats without the use of Microsoft's proprietary tools. This effectively limits the ability of myself and other consumers to choose an alternative computing platform. In effect, people are ''locked-in'' because of the vast amounts of personal data which is only available through their continued use of Microsoft products. Furthermore, with the ''creative'' licensing proposed with Microsoft's latest operating systems, the customer is at an even greater risk of his or her data becoming unaccessible without renewing various licenses on a regular basis.

In essence, forcing a disclosure of the various document formats seems to be one of the few alternatives to countering the current monopoly status of the Microsoft corporation.

Thank you,
Dale K. Hawkins
Littleton, CO

MTC–00016561

From: Andrew Kuster
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

Dear sir or madam,

Acting under the Tunney Act, I hereby publicly submit my comments about the Microsoft settlement. I feel that the proposed settlement with Microsoft is a very bad idea.

Considering the anti-competitive damage that Microsoft has done, as has been well-documented in your records, I think the fairest settlement involves opening the document formats for Microsoft Office programs, making public the source code for all past and future versions of Microsoft Windows and Internet Explorer, and offering cash to every licensee of a Microsoft Windows product.

Thank you for the time you take with this e-mail.

Sincerely,

Andrew Kuster
2414 Leslie Circle
Ann Arbor, MI 48105

MTC–00016562

From: ryan quigley
To: Microsoft ATR
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Ryan Quigley
Dan Miller Design

MTC–00016563

From: Matthew Miller
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

To Whom it may Concern;

The proposed settlement in the antitrust case against Microsoft does not reprimand Microsoft's past illegal behavior, nor does it prevent or account for such behavior in the future. As a consumer of software products, this is disappointing and disturbing. As a software engineer, this can endanger my ability to work in my chosen field. The Proposed Final Judgement also has many openings similiar to the first agreement with Microsoft. I cannot support this judgement in its current form, and sincerely wish that you would reconsider this settlement.

Thank you,
Matthew A. Miller
790 N. Euclid, Apt. 316
Anaheim, CA 92801

MTC–00016564

From: Joseph Crook
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

The settlement is AWFUL. As a consumer, it guarantees that my choices will continue to be stifled by MicroSoft. I need choices.

Respectfully,
Joseph Crook
752 Mount Pleasant Rd.
Kingston Springs, TN 37082
Joe Crook
Oracle8i Certified DBA
Consultant, Keane, Inc.
PH: 615–741–7195
Cell: 615–584–0029
Email: joseph.crook@mail.state.tn.us

MTC–00016565

From: klb26@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

Dear Sirs—

I am very concerned with the proposed judgement in the Microsoft anti-trust case. There seem to be a great number of problems with the ''solution'' that has been put forth, and I fear unless new action is taken MS will only become more entrenched as a solo power in the field.

One of the specific problems I have with the judgement is the fact that, although vendors of competing software packages are required to meet ''reasonable technical requirements'' seven months before a new release of a Microsoft-OS, MS is not required to disclose what those requirements will be. It is certainly not inconceivable that

Microsoft would change those requirements close to a release date, considering it's track record to date.

There are numerous other problems with the judgement, and I sincerely urge you to reconsider your current stance on the issue. Thank you for your time and consideration.

Ken Bromberg
klb26@cornell.edu

MTC–00016566

From: craig z
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

the proposed settlement is a bad idea.

The PFJ doesn't take into account Windows-compatible competing operating systems.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs.

signed,
/craig znamierowski
charlton, ma

MTC–00016567

From: Joel Gilbertson-White
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

Hi there-

I think the current settlement with Microsoft is a bad idea. Something seems amiss that they're being let off so lightly.

The world of computers is going to stagnate instead of flourish, all so that Microsoft can make a better profit at the expense of the market.

Thank you,
Joel Gilbertson-White
Madison, WI

MTC–00016568

From: Johnson, Robin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I have been following this action quite closely and I am very disturbed by the proposed settlement. It fails to address one of the most damaging behaviors of Microsoft—the lack of an Open API to a monopoly operating system critical to a large majority of private and public daily operations.

Since the source for the API is not open, Microsoft can make hidden changes in the source to ''break'' competitors products in the area of Office Applications, Browsers, etc. Worse, Microsoft often delivers these changes in the form of ''necessary'' security patches. This happens on a frequent basis and even if it is entirely ''accidental'' it seems to be routine for Microsoft and clearly harmful.

The routine problems with Microsoft products in the area of security is also related to their lack of transparency in their API. Independent experts cannot find the problems before the crackers do. The crackers simply decompile the source code to find the security holes. Computer professionals cannot do the same thing because it is illegal and unethical to decompile the API source code without permission. Making the API source open for review to at least independent security engineers is vital for reasons of national security. Cyberterrorrists are not deterred by copyright laws. We shouldn't cripple the computer community's ability to defend our vital computer systems from attack because Microsoft would rather hide the problem for PR purposes.

Thank you.
Robin Johnson
Office: 678–352–1307
Cell: 678–414–3473

A reasonable explanation will trump the ugly truth every time.

MTC–00016569

From: jfrincon@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement comments

Dear Judge Kollar-Kotelly,

I write to express my dissatisfaction with the Proposed Final Judgment (PFJ) for USA vs. Microsoft.

While time limitations prevent me from conducting an exhaustive review of all the aspects of the provisions of the Final Judgment that I find to fail the public interest, allow me to focus on two particular issues that are of crucial importance:

(1) The exclusion of Microsoft's handheld version of Windows (i.e. Windows CE and variants, Windows for Automotive, Windows NT Embedded, and Windows XP Embedded from the definition of ''Windows Operating System Product'' delineated in Section VI, Item U of the PFJ;

(2) Provisions of Section III, Item J which give Microsoft broad discretion on determining which parties are eligible to receive API, Documentation or Communications Protocol information.

(1) Handheld and embedded operating systems

I have been working as a user of handheld devices for almost ten years and have been an applications developer for three of those ten. It has been very clear to me that portable devices will be a fundamental domain of computing technology, perhaps even replacing the desktop computer as a central unit of processing, in the near term. While there are various players in the handheld and mobile marketplace, Microsoft is a competitor that has historically used its weight to stifle innovation in this marketplace until it was ready to embrace it.

In terms of its APIs, the embedded versions of Microsoft's operating systems are modeled closely—sometimes even ported directly—on its Win32 API for desktop operating system development.

These versions of the operating system, designed to be stored in quickly-accessible RAM or ROM rather than on disk, and with an apparently closer connection to the hardware in which they're operating, are not significantly technically different from the existing desktop Windows technology, save for their portability. Microsoft itself, when advocating for the Embedded version of its operating system, argues that this close tie provides one of the main reasons why developers should adopt its solution: ''Windows XP Embedded is the componentized version of the leading desktop operating system, enabling rapid development of the most reliable and full-featured connected devices. Based on the same binaries as Windows XP Professional, Windows XP Embedded enables embedded developers to individually select only the rich features they need for customized, reduced-footprint embedded devices.''

[http://www.microsoft.com/windows/embedded/xp/evaluation/overview/default.asp—accessed Jan 23, 2002]

The versions of the Microsoft OS for handheld and mobile devices, (Windows CE and derivatives including Windows CE for Handheld PC, Windows CE for Palm-size PC, Windows CE for Desktop PC) are tied equally closely in Microsoft's eyes:

''The Windows CE operating system is based on the Microsoft Win32(R) application programming interface. Therefore, you can enhance your applications by using exposed APIs from bundled applications.''

[http://www.microsoft.com/mobile/developer/downloads/ppcsdk2002.asp—accessed January 23, 2002]

Microsoft's own behavior in the handheld and mobile marketplace reflects similar actions to those presented in the Court's Findings of Fact, including concerted action to protect applications barrier to entry by performing ongoing modifications to its handheld data storage methodologies, by modifying established connectivity protocols (including the infrared communications protocols between competitors'' handheld devices), and by maintaining its own data transfer protocols closed, thus thwarting the efforts of middleware vendors and non-Windows handheld device manufacturers to provide connectivity solutions that make full use of the capabilities of users'' desktop computer hardware to connect with mobile devices.

Because of the rising capabilities and reduction in size of microprocessors, along with the quickly falling cost of flashable (rewritable) ROM and high-capacity RAM, it is very likely indeed that what we call embedded or mobile systems today will come to replace wholly desktop-based solutions for everyday users in the near and mid-range future. Embedded systems will (and do) reside in automobiles, household appliances, communications devices, and just about every other type of device that uses electronics to perform complex functions.

Allowing Microsoft to extend its monopoly into the embedded and mobile marketplace while remaining unfettered by the consequences of its previous anti-competitive behavior in the desktop operating systems marketplace is detrimental to the public interest.

(2) This point is much more brief, but equally important. In giving Microsoft the power to determine that a company ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' before receiving API and Documentation, or Communication Protocol information, it effectively gives Microsoft the power to exclude open source and free software developers from building

systems that are fully interoperable with existing solutions provided by Microsoft, mostly because these developers are not engaging in ''viable business''. Indeed, many of these companies are not engaged in business at all, but are working through the concepts of sharing and widely disseminating usable code and applications. Powerful and open public goods such as the Internet and Linux grew through this kind of non-business activity. This item effectively shuts out the public interest in interoperability and standards compliance by giving Microsoft the power! to define what is authentic and viable. Microsoft CEO Steve Ballmer's rhetoric regarding Linux as a cancer demonstrates their predisposition to exclude open source systems from any and all consideration for interoperability and access:

''The only thing we have a problem with is when the government funds open-source work. Government funding should be for work that is available to everybody. Open source is not available to commercial companies. The way the license is written, if you use any open-source software, you have to make the rest of your software open source. If the government wants to put something in the public domain, it should. Linux is not in the public domain.''

[http://www.linuxmax.net/maxnews.php?ArticleID=26—Accessed January 23,2002]

Aside from Mr. Ballmer's odd reasoning that an operating system for which the source is open and available to anyone is not in the public domain, his reasoning that open source licenses are not commercially viable makes a statement of predisposition that I have no doubt would be used as legally acceptable parameters, under the PFJ, to thwart public efforts at building an interoperable, free operating system.

I sincerely hope that Microsoft will have to atone for its extensive history of anticompetitive behavior.

However, it is clear to me, and to those of us in the technology industry who have seen Microsoft as a company uninterested in cooperating, that this PFJ would do little to force that atonement and would do much to provide Microsoft a legal platform from which to continue its anticompetitive behavior.

Sincerely,
Juan Felipe Rinc'n
Arlington, Virginia

MTC–00016570

From: Neil Bliss
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

Tunney Act comment

Folks,

Microsoft must be made to cease it's monopolistic behavior with regard to the use of it's Software development kits, compilers and Integrated Development environments. In the License Agreement, a purchaser of Microsoft Visual C++ is forced to agree that they will *only* use this compiler to build code to run on a ''Microsoft Operating Sysytem Product.'' Why? There is absolutely NO technical excuse for this sort of behavior.

Code compiled under this compile can easily run under other operating systems. Microsoft is attempting to use thier dominant position in the Compilers marketspace to effectively remove all other Operating Systems from the market. This is wrong. Please make this change.

Thanks,
Neil

MTC–00016571

From: Ken Miller
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

I would like to express my strong opposition to the proposed Microsoft settlement.

I urge you to support the alternative settlement proposed by those states that refused to sign on to the proposed settlement. The proposed settlement will not appreciably curtail the illegal actions through which Microsoft has maintained its monopoly over desktop computing. The single most important item needed is that all API's and file formats, both of Windows and of applications such as Word, be available openly to the world of programmers at the same time and in the same detail as it is available to Microsoft programmers.

This is the only way that competition has a chance to thrive. The proposed settlement falls far short of this goal, allowing Microsoft to pick and choose who will have access to this technical information, to restrict which things will be documented, and to provide documentation only at the last minute (if then), and furthermore has no effective enforcement procedures even for these very limited measures. There are many many other failings of the settlement as well, as is made clear by a comparison to the settlement proposed by the dissenting states.

Sincerely,
Kenneth Miller
Kenneth D. Miller
Associate Professor
Dept. of Physiology, UCSF
513 Parnassus
San Francisco, CA 94143–0444
telephone: (415) 476–8217
fax: (415) 476–4929
internet: ken@phy.ucsf.edu
www: http://www.keck.ucsf.edu/ken

MTC–00016572

From: Kirk L. Duffin
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

This purpose of this letter is to express my concern over the proposed settlement in the U.S. vs. Microsoft lawsuit.

I don't profess to be an expert in these matters, but the things that I've read lead me to believe that the proposed settlement will do little to truly curb the anti-competitive practices that Microsoft has demonstrated time and again.

As a proponent of quality software and alternative operating systems, I feel that the proposed settlement is *not* a good idea.

Kirk L. Duffin
Computer Science Department
Northern Illinois University
DeKalb, IL 60115
phone: (815) 753–2628
fax: (815) 753–0342
office: PM 567
e-mail: duffin@cs.niu.edu

MTC–00016573

From: Clark Christensen
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I do not support the current settlement to the Microsoft Anti-Trust suit.

The current settlement does not guarantee interoperability or published protocols, nor does it prohibit Microsoft from violating the Anti-Trust tenent that an existing monopoly cannot be leveraged to create another monopoly in an adjacent market. Under the current settlement Microsoft is protected from divulging Intellectual Property. This will protect them from having to reveal protocols and interfaces to services that use their technology. Anyone who wants access will have to license the technology, and effectively allowing Microsoft to determe the type of competition it will have to face. Since Open Source alternatives, which Microsoft fears as it's greatest competitor, have no budget for licenses they can essentially eliminate this competition through exclusive/expensive licenses. Furthermore, any ability by Microsoft to require such licenses will preclude any Open Source alternatives since the licensee will not be permitted to divulge any of the Intellectual Property (i.e. the code)—the very anti-thesis of Open Source.

The new MSN browser and passport services shipped with Windows XP (a seperate browser from Explorer) illustrates exactly how Microsoft hopes to create a new vertical monopoly by leveraging their current operating system monopoly. With .NET, users will be forced to Microsoft's software or proprietary software that licenses Microsoft's technologies to access any of their services. Vendors may thus be bullied into using Microsoft technologies for fear of losing market share, and desktop users who use any of these tied in services will have little choice but to continue with Windows on the desktop.

These issues must be addressed in order to keep the computing market competitive. The internet thrived because of openness, lets keep it thriving.

Sincerely,
Clark Christensen
602 Cottage St. SW
Vienna, VA 22180
(703) 242–3970

MTC–00016574

From: Brian.J.Alvarado@mw.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

Excerpts from: http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm

The next step is a Tunney Act hearing, where the judge is supposed to determine if the settlement is in the public interest.

The last judge who held a Tunney Act hearing on a Microsoft antitrust settlement

was so incensed by what he saw that he, like the judge in the trial, shot off his mouth and got tossed off the case.

Will the states fold, too? Many will, no doubt.

Mere state governments don't have the money to fight a monopolist that generates more than $1 billion in extra cash every month, just a portion of the profits that even in an economic downturn keep rolling into the coffers.

Some states will probably keep fighting. Despite having won a case that showed Microsoft to be a sneering, brutal lawbreaker—with no intention of reforming—they're now total underdogs.

There needs to be some feedback. To many companies are looking at M$ as the business stratagey of the century. We don't want this. I can't even fathom 1 billion a year, let alone a month.

Don't be a sham. If this was your last case what would you want people to say. Yea, he bent. That is what everyone is saying now. Don't lose your cool.

You will only be tossed from the case. Let them know that Justice is blind. You have your scales and you have the sword. Do what you know is right.

Not right for you and your family, but what is right in the big picture. I think you know what the big picture is.... the future. Let them know they can line lawyers and politicians pockets with money, but not the judge.

In support: Excerpts. http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

This is astounding. It isn't a matter of if they can pay, becasue we know they can, it is a matter of penalty.

The penalty should make them stop and think about what they are doing. They are getting rich from it. It has already been shown what they did was wrong. 8 Judges have said so.

Don't let Politics get under the Lady Justices'' blind fold. None of that should matter.

It is all in your hands now.

Brian Alvarado
mWired
626 568 6376

MTC–00016575

From: Aquiles.Luna@UniBw-Hamburg.DE@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

To whom it may concern:

The ''settlement'' is a total surrender on your side. The main reason: you leave untouched the many provisions in the Microsoft-OEM contracts that were from the very beginning the basis for building a monopoly and later to abuse of the same.

Judge Jackson had copies of such contracts in his hands, but utterly failed to understand the role they have played. Not even their status as ''trade secret'' was questioned; of course, the only secret protected by such status, is the arm-twisting methods that MS uses to force their low-quality products on OEMs and consumers.

Bottom line: due to the contracts, no OEM installs other operating systems besides Windows in the same computer, and very few offer computers *without* Windows, because the have to pay for the OEM-licence anyway.

This is just another botched, alibi settlement.

THE CONSUMER STILL HAS NO CHOICE

My best regards, Aquiles Luna

MTC–00016576

From: Matt Heinzen
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I believe that the proposed antitrust settlement with Microsoft is not in the best intersests of consumers or the software industry. Reasons why the settlement is bad for consumers

1. Microsoft has been shown to break compatibility of 3rd party products running on MS operating systems (DR-DOS and Lotus 1–2–3). This discourages consumers from buying third party software when MS products are available because the 3rd software will not run as effectively as the MS software even if whether the MS is of lower or equal quality.

2. ''Monoculture'' software means that vulnerabilities are widely deployed. Internet worms such as ''Code Red'', ''Sircam'', ''Melissa'', and ''I Love You'' were specifically designed to target flaws in MS applications many people were unaware were even running on their computers (the IIS server program automatically enables on some versions of Windows) or in programs that are capable of running untrusted code without the users consent or knowledge (Visual Basic scripting enabled by default in MS Outlook). The exploits for these inherint vulnerabilities were so widespread largely because of the MS monopoly.

3. Forced upgrades. MS has not introduced features that are really critical to most consumers in its latest home versions of Windows, yet consumers are forced to upgrade Windows to be able to get technical support. This also usually means upgrading their computer hardware because each version of Windows requires more powerful resources than previous versions. Alternative free operating systems such as Linux and BSD support modern software but also can be run ''stripped down'' on systems five or even ten years old, meaning that it is possible to produce systems that do not require constant hardware upgrades. This model is just not in the best interests of MS, because it would not generate as much revenue.

Reasons why the settlement is bad for the software industry

1. MS has been found to, and will likely continue to, leverage their monopoly against computer manufacturers. Most people buy their computer and install very little software on it after the fact. Very few people install new operating systems. MS has used these facts to work exclusive licensing deals with computer manufacturers that virtually guarantees that any non-Macintosh PC purchased from any big name vendor will come with a version of MS Windows installed, regardless of what the consumer wants. Although installing a different operating system is a viable alternative, this would mean that the consumer has already payed money for a product they will never use. Manufacturers would like to provide alternatives, but MS could stop licensing Windows to these manufacturers. Although this would clearly be illegal given MS is a monopoly, the PC manufacturer would go bankrupt by the time the matter could be resolved legally.

2. Lack of competition causes stagnation. MS has very little reason to improve their products with no viable competitiors available for typical consumers. Most of the changes in recent additions of Windows have been visual improvements and application improvements not specifically requiring a new operating system, such as improved multimedia applications. There is little incentive for competitors to create new operating system alternative as long as MS is allowed to continue their monopolistic business practices, meaning that true technological innovation is being stifled.

For these reasons I believe that stronger actions are needed against MS. Alternative operating systems and application software must be allowed to compete on an even level with MS products, and PC manufacturers must be allowed to sell alternative that customers really want.

Matt Heinzen
heinz015@umn.edu
(612) 332–9594
1400 S 2nd St Apt B608
Minneapolis, MN 55454

MTC–00016577

From: Brian Templeton
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

Brian Templeton

MTC–00016578

From:

Mark.Juliano@AutoTrader.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I would like to take just a moment to comment on the pending Microsoft judgement. Having worked in the computer industry in many different capacities over the last 10 years I have come to understand how strong Microsoft's monopoly on the desktop really is. I must say that the current judgement and penalty being considered is far from adequate.

I have seen several companies with strong and viabale products pushed out of their market space by Microsoft's use of their monopolistic position. These include more recent examples such as Netscape and Apple, to older examples such as Wordperfect and Lotus 1–2–3. By using undocumented features in their Windows operating system in their products, Microsoft was able to produce spreadsheet and wordprocessing products, that ran faster and were more readily avaliable than their competitor's. By bundling software with their operating system, and calling it ''free'' they managed to gain significant market share over other web browsers.

Despite a consent decree in the mid 90s that was aimed at changing their predatory behavior in relation to their OEM contracts and the desktop Microsoft has consistently shown that they are unwilling to change their behavior. I feel that the solution currently being considered is far from a viable tool to ensure compliance with current anti-trust statutes. Leaving the company intact with some ''oversight safegaurds'' is akin to leaving Iraq intact and its leader in power, and trusting that they follow the agreements they made. We know where the situation in Iraq has gone, and judging by the actions of the past, I can determine where the future will go with Microsoft. Let me put it another way, it is being suggested that we give a habitual offender a slap on the wrist and probation. A criminial act is a criminal act regardless of who commits it. We should treat it as such.

Two additional points.

First, I find it highly interesting that Microsoft is almost eager to persue the judgement being considered. That would hardly allow it to be defined as punishment. Second, I also find it highly interesting that the DOJ's position on the case changed after a change in the leadership of the executive branch. Justice is supposed to be blind, following the dictates of some greater definition of right and wrong, not holding its finger in the wind to figure out which it should go.

Thank you,
Mark Juliano
Mark Juliano
Unix Administrator
Autotrader.com
mark.juliano@autotrader.com voice: 404–269–8010

MTC–00016579

From: Sean C. Malloy
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am a US citizen with over 10 years of software engineering experience living in Austin, Texas. I have read the Proposed Final Settlement in the case of US v. Microsoft.

I am very much opposed to it, as it:

1) Allows Microsoft to continue harming consumers by retaining the advantages they have illegally gained through anticompetitive business practices

2) Does not go far enough to ensure that Microsoft will compete fairly in the future

3) Is worded in language such that Microsoft will be able to continue their monopolistic behavior by technically complying with the settlement, but violating its spirit

4) Lacks adequate enforcement provisions

I urge the court to reject this proposed final settlement.

Sincerely,
Sean C. Malloy
smalloy@jump.net

MTC–00016580

From: Andy Lubbers
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

The PFJ contains misleading and overly narrow definitions and provisions, such as the following:

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users.

MTC–00016581

From: Stephen Peters
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am writing to express my concerns (under the Tunney Act) on the Proposed Final Judgement (PFJ) in the Microsoft settlement.

I feel that the PFJ does not go far enough, either in punishing Microsoft for its previous anticompetitive behavior or in preventing such behavior in the future. Among the problems:

* The definition of Microsoft Middleware Products seems to be overly limiting, since it doesn't mention (for example) the very popular Microsoft Office suite or Microsoft's new .NET platform. It seems clear to me that these are platforms that Microsoft is hoping to leverage for new development, and could use these loopholes to prevent competitors from interoperating with these technologies.

* Although the APIs for some products will be opened, the issue of file formats is unaddressed. This is one of the issues that forms part of the barrier to entry for competitors, as touched on by the court's Findings of Fact (paragraphs 20 and 39). As long as it's difficult to, for example, read a Word document in another word processor, Microsoft will maintain a substantial advantage over its competitors.

* Although the licensing agreements for OEMs are improved, no mention is made of the licensing agreements for large customers of Microsoft. For example, Microsoft often charges 'enterprise'' customers licensing fees based on the number of machines that are capable of running their software, rather than on those that actually do.

In short, I feel the PFJ is currently not in the public interest, and needs to be revised before acceptance.

Thank you,
Stephen Peters

MTC–00016582

From: Phillip D Jones
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am a 25-year old java developer for IBM, in RTP, North Carolina.

I feel the need say that the DoJ's settlement with microsoft does nothing—In fact, it provide for years of mis-inturpataion and renews litiagation with out stoping the criminal Micosoft practices. Please find a more strigent set of controls against such unlawfull acts.

In short, I think this proposed settlement is a bad idea.

/s/
Phillip Jones

MTC–00016583

From: Kelly Guimont
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I strongly disagree with the current proposal for resolution of this case. I do not think that Microsoft should be allowed to

leverage their monopoly into the education market, nor do I believe that any decision other than splitting the company up will be a wise one.

Sincerely,

-Kelly Guimont

MTC–00016584

From: Matt Brown
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

Any proposed settlement that doesn't compel Microsoft to actually change it's business practice is a waste of time and another victory for the overbearing company. A Very Large Fine would get their attention, but actual enforcement and action that prohibits Microsoft from squeezing out competitors is important. Competition based on quality of product is one thing, but based on illegal business practices should not be rewarded with a wrist-slap.

Any settlement involving free software, like the recently rejected proposal, should not be considered as it just gives Micorosoft an inexpensive foothold into additional markets.

Thank you.

Matt Brown

Public Information Specialist (Webmaster & Video Production)

PAWS

P.O. Box 1037, Lynnwood, WA 98046

(425) 742–4009 x821

fax (425) 742–5711

matt@paws.org—www.paws.org

MTC–00016585

From: Gordon Meyer
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to urge you to reject the proposed settlement with Microsoft Corporation.

I am a computer professional, a customer of Microsoft and their competitors, and a concerned citizen. I have carefully examined the proposed settlement and believe that it is not punitive and will primarily serve to extend the Microsoft monopoly and further damage their competitors.

A more appropriate settlement would involve a large cash-only fine and restrictions on Microsoft's entry into markets in which they can use their monopoly power to eliminate competition, as they have historically done.

Please, reject this settlement.

Respectfully,

Gordon Meyer

2208 Lenox Place

Santa Clara CA 95054

MTC–00016586

From: Andrew Chaplin
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I believe the proposed settlement is not favorable towards the public's interest.

Thank you.

Andrew Chaplin, Lead Operator/System Admin I

Information Technology Services

Canisius College

2001 Main St.

Buffalo, NY 14208

Phone: (716)888–2447 Fax: (716)888–3223

MTC–00016587

From: terry@threetoe.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To Whom it may concern:

I have a Bachelor of Science in Computer Science and have been a software developer for over 10 years. My main objection to the proposed Final Judgement in the United States v. Microsoft is that it does nothing to stop Microsoft from continuing it's ''Slash and Burn'' method of growing its business. Presently, in my opinion Microsoft has three ways to squash, ''Slash and Burn'', a competitor:

1. Buys the competitor's technology or company and uses it as its own.

2. Buys the competitor's technology and then don't support it in the future. If it's not supported by Microsoft then nobody uses it.

3. Duplicates the technology and offers it free.

A most recent example of this is Microsoft's recent acquisition of SGI's technology. SGI created an OpenGL technology that most Video card manufactures adhere to. Microsoft has their own DirectX technology. The DirectX technology is only supported on Windows operating system. OpenGL technology is supported on almost all Desktop Operating Systems. Since Microsoft has purchased this technology all they have to do is ''slash'' support for it. If there is no support for it, video card manufacturers don't need to build support for it. If Video card manufacturers don't have support for it then non-Microsoft operating systems will have no hardware 3D support. Thus making Microsoft the only Operating system that PC games can run on. Theoretically, Microsoft can then close the API for DirectX and be the only creator of 3D software games.

In my opinion, the one way to stop this activity is to make ALL of the source code for the kernel of its operating systems open to the public. If the source to the kernel of the operating systems is open, then any company, or person, can create API's to that source. Another way to stop this activity is to separate the core operating system business from the other software business.

Sincerly,

Terence W. Grantges

MTC–00016588

From: Mac Michaels
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I am a software developer. I know from first hand experience that Microsoft makes changes to its operating system just to make it incompatible with the previous version. This requires me to make my own product more complicated and expensive to the customer. This additional cost provides no improvement. Changes must be made since all new systems ship with the latest version of Microsoft's software.

Microsoft fails to fully disclose the Application Programming Interface (API). This hurts software developers since we do not have all the information required to build an efficient interface with Microsoft products. Microsoft further obfuscates this interface by errors in the documentation and errors in their implementation of the API. Microsoft creates undocumented interfaces and file formats only in house Microsoft developers know about.

It might be inappropriate to require new operating systems to support all APIs. There should be some limitation on API changes that provide no real benefit. Requiring Microsoft to make all the source code available to developers is a reasonable solution to this problem. Developers can easily figure out what API documentation and implementation is in error. Undocumented APIs are clearly visible in the source code. This solution will provide a level playing field for all software developers. This will not give anyone a license to change the Microsoft product and deliver an altered product. It does give developers an opportunity to determine exactly what happens when they use a Microsoft API so that they can use it correctly.

Wilson M. Michaels

12601 Trails End Road

Leander, TX 78641

MTC–00016589

From: Powers, Jonathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. You should be ashamed.

Jonathan A. Powers

Digital Designer, Harris Corp.

MTC–00016590

From: Douglas Kirkland
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

Douglas Kirkland

Des Moines, WA 98198

User of the internet and Technical support for a internet company.

MTC–00016591

From: Blake—
Woolbright@ariusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

To Whom It May Concern,

As per the Tunney Act, I am voicing my disdain for the current Microsoft settlement.

It is insufficiently punitive, and it allows them to further their existing monopoly while doing nothing to quell it.

T. Blake Woolbright

Mission, Kansas

MTC–00016592

From: Russell Valentine
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I believe the proposed settlement for Microsoft has serveral holes in it that will

allow Microsoft to act just as they are today. One of the most important aspects that I think the settlement is missing is the Microsoft file formats still remains undocumented. Now that a large majority of the United States population is using Microsoft applications for everyday work (which happened because of Microsofts illegal monopolistic practices), Microsofts file formats stop people from changing to other software because they can not read other peoples documents. I think this and many other aspects need to relooked at.

Russell Valentine

MTC–00016593

From: Jim VanBrocklin
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

The proposed settlement changes NOTHING. Perhaps even exacerbates the problem by forcing MS into the education market. There will never be a ''good'' time to reign in Microsoft, but the longer we wait the harder it will be when finally, everyone realizes what is at stake here.

A good start would be to wean the government off of MS products. Then, maybe start with education. Proprietary file formats are used as a means to force upgrades and lock consumers into a single product.

Please—reconsider the settlement.

jim vanbrocklin
jimvanbrocklin@yahoo.com

MTC–00016594

From: BoyCottPapaJohns@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea, please reconsider.

MTC–00016595

From: David Deen
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a professional in the software development and computer graphics fields, I must work with non-Microsoft development tools and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome.

Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit. On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS.

Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

David Deen

MTC–00016596

From: Shawn Yarbrough
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

Hello,

I am a professional computer programmer who has been negatively affected in the past by Microsoft's predatory and illegal business practices. I wish to comment on the Proposed Final Judgement (PFJ) regarding the U.S. vs. Microsoft case.

Although the PFJ is filled with problems that will allow Microsoft to avoid most of it's intended effects, I wish to point out one of the very worst problems: Micrsoft is currently able to offer different prices for Windows to different customers. This allows Microsoft to use a variety of monopoly tactics to reward OEMs and distributors who support the Microsoft monopoly and to retaliate against those who don't (i.e. by raising prices only for those who don't).

One possible solution to this problem is simple and elegant: require Microsoft to sell Windows at a uniform price to any and all interested customers. Microsoft could still offer discounts for volume buyers but would have to offer the exact same price to all customers desiring to buy any given number of copies of Windows. Of course ''hidden discounts'' such as rebates or other financial incentives (especially discounts on other Microsoft products) would have to be disallowed.

This is only one example of something that is wrong with the PFJ. There are (at least) dozens of other major problems. Because of this, I oppose the current PFJ and I sincerely hope that a better settlement will be proposed. Microsoft deserves no leniency in this case.

Thanks for your time,
Shawn Yarbrough
454 Dresden Dr.
San Antonio, TX 78213–3651
shawn@nailstorm.com

MTC–00016597

From: Greg Roy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement is a bad idea.

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html)

Thanks.

Greg A. Roy
PentaSafe Security Technologies, Inc.
200 Cordwainer Dr.
Norwell, MA 02061
http://www.PentaSafe.com
G.Roy@pentasafe.com
(781) 982–0200 x316
(781) 982–8076 (fax)
''Experior, ergo sum''

MTC–00016598

From: Duane Pawson
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I think the proposed Final Judgement is a very bad idea. It will not stop the abuses and the justice department is allowing Microsoft to use the fruits of the monopoly (i.e. $$$) to buy it's way out of the case.

MTC–00016599

From: Brett Johnson
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am a software engineer with approximately 10 years experience developing system software and applications for the Windows, Unix and Macintosh operating systems. It is my opinion that the proposed Microsoft settlement (http://www.usdoj.gov/atr/cases/ms-settle.htm) will have absolutely no effect whatever on the anticompetitive and monopolistic practices of Microsoft, and does nothing to protect consumers from the predatory nature of the Microsoft company. In fact, the proposed settlement appears to give Microsoft a free hand to extend its near total domination of the desktop operating system market to other markets as well (such as server operating systems, internet protocols, handheld computers, etc...).

I urge you to reject this settlement proposal and pursue a course that will protect consumers, rather than just protect Microsoft.

Thank you,
Brett Johnson—Software Engineer
36763 Brian Ave.
Windsor, CO 80550

MTC–00016600

From: Steve Murtha
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

re: United States v. Microsoft Corp., Civil No. 98–1232

I do not feel that the Stipulation and Revised Proposed Final Judgment, in the current form, is in the public interest.

Microsoft has consistently used and continues to use strong-arm tactics to maintain their monopoly in desktop

operating systems and applications. The Prohibited Conduct section enumerates many detailed restrictions on Microsoft behavior but it appears to leave excessive maneuvering room for the Microsoft.

I fear that the Judgment underestimates the power that Microsoft holds with it's monopoly position. The Users of Software and Developers of Software must have Freedoms which are enumerated. We depend too much upon Software Applications to allow one company to control the functionality and deployment of the Operating Systems and Software Applications.

Sincerely,
Steve Murtha
www.simtools.com
Simulation Tools, Inc.
PO Box 160, West Long Branch, NJ 07764
(732) 229–6050

MTC–00016601

From: James Riordan
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

To Whom It May Concern-

I am writing to comment upon the Microsoft antitrust settlement. I write to you both as an American and as a computer security expert.

In the latter capacity, I am currently employed by IBM Research but have also worked for Counterpane Systems and for The Secure Computing Corporation. The opinions herein are mine, and should not be taken as representing IBM as a whole.

I believe the proposed settlement runs strongly against the interests of the American public. It does so both from a short term economic standpoint and from longer term standpoint of promoting a stable and secure information infrastructure. Microsoft's predatory business practices have consistently stifled innovation and superior technologies in favor of a business plan that abuses the Windows monopoly as to lock consumers and business into interminable upgrade cycle.

In this system, Microsoft has no business interest in creating stable, secure, well-debugged and tested software. The bugs force users and businesses to upgrade; the upgrades, in addition to producing revenue, help maintain and expand the monopoly.

Having been found guilty, Microsoft's practices have actually gotten worse. This is evidenced by the release of Windows XP, Passport, and the .NET architecture. Should these technologies succeed, Microsoft's strangling grip will be extended to the entirety of the information based consumer economy (all of e-commerce, music, movies, literature, computer games, et cetera).

Allowing such a monopoly-abusive company effective control over such a large domain is extremely dangerous and, quite simply, unconscionable.

The most effective solution to the current problem would include:

1. Disallowing operating system (Windows) sales agreements to hardware vendors that either preclude the addition of an alternate operating system or force Windows to be installed on all machines.

2. Force the strong separation between fundamentally different layers: operating systems (Windows) , middle-ware (.NET), services (Passport, msnbc and hotmail) and applications.

3. Disallow the forced bundling of components and services from different these layers.

If anything in this message has been unclear, I invite you to contact me via either of the included addresses.

Thank you for your time,
Dr. James Riordan
IBM Forschungslaboratorium
Sumerstrasse 4
CH–8803 Rschlikon, Switzerland
email: rij@zurich.ibm.com
Tel +41 (0) 1 724 89 81
Fax +41 (0) 1 724 89 53

MTC–00016602

From: Robert Mahon
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

Microsoft IS stiffling competition.

Judge Jackson's finding's of Law are correct.

The only thing left now is stop Microsoft before it's too late.

Thank you
R.Mahon

MTC–00016603

From: Dave Hayes
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft antitrust settlement

To Whom It May Concern,

I vote NO on the proposed settlement. Microsoft has not been punished for monopolistic business practices, nor has their future activity been curtailed to prevent more of the same.

How many companies no longer exist because of MicroSoft's practices? How much innovation has not been brought to fruition?

Please protect the technology and my pocketbook.

Dave Hayes
Oregon

MTC–00016604

From: Edward Hagen
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

To whom it may concern

(Please forward these comments to the court as well)

It is obvious to everyone that Microsoft illegally used its monopoly power to crush a competitor (Netscape), that the proposed settlement does nothing to punish this and the other crimes that Microsoft was found to have committed, that Microsoft will continue to use its monopoly power to crush or disadvantage competitors, and that the proposed settlement does little to prevent such future abuses. The settlement also contains clauses that appear to specifically preserve Microsoft's ability to discriminate against the open source software community.

It is also obvious that Microsoft's monopoly power is extraordinarily intimidating to other companies (for example, Microsoft could destroy Apple by simply refusing to release their Office software for the Mac), and that this intimidation inhibits the competition that has driven the development of the software industry since its inception.

The lack of competition in the software industry will soon have a deleterious impact on consumers, if it hasn't already (why must EVERY business and institution purchase MS Word for $$$? Because there isn't any competitive product due to Microsoft's illegal, monopolistic behavior).

The proposed settlement should be rejected by the court.

Sincerely,
Dr. Edward Hagen (US citizen)
Institute for Theoretical Biology
Berlin, Germany

MTC–00016605

From: teck@charter.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

Please don't let Microsoft buy their way out of this. You must think of the long term effects of what we are doing now. Microsoft is not a monopoly because they have the best product, they are a monopoly because legislators don't yet understand the field of computer science.

Thank You
Bob Davis

MTC–00016606

From: Steven K. Watkins
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

To whom it may concern,

As a 30 year old Electrical Engineer, I have been a part of the ''computer revoloution'' all of my life. I would like to comment on the current state of the Microsoft trial and my experiences during my career.

Microsoft has been a spectacular business and an amazing example of the american dream, but has stifled innovation and creativity in the computer industry for as long as I remember. Every day I think that Microsoft has pushed the industry to its limits, and every day I am surprised and dissappointed at what Microsoft gets away with.

I have seen Mirosoft develop from a computer OS monopoly, into a power that is greater than most governments (maybe our own). I do not know of everything that Microsoft has influenced, but I do know that they are spreading their sphere of influence dramatically to include TV stations, news media, Radio stations, control of computer applications (every successful game/application seems to shortly get a Microsoft clone or be incorporated into Windows), control of the Internet, console game systems, set top boxes, computer periphials, PDA, schools, ... (and the list continues).

I was elated when Microsoft was deemed a monopoly. I have worked for companies and been told horror stories about how Microsoft has used thier product to make other companies ''bend to thier will.'' This influence has sometimes been indirect (but intentional) and sometimes shockingly direct. I also know about the frustration of

being passionate about the computer industry and revolution but having no choice as a consumer except to choose an inferior product because of a powerhouse of a monopoly.

I was very disappointed with the proposed final judgement against Microsoft. I can see no hope that the innovation and creativity will be allowed to flourish if the proposed judgement is accepted.

Please reconsider the final judgement to strengthen some of the known issues so that Microsoft can become a beneficial competitor in a healthy market instead of the sole occupant in that market. I consider such matters when I vote (and I vote regularly). I will consider a light sentence for Microsoft a sign of a weakening government and a need to stregnthen the oversight of corporations for the good of the American public.

Concerned,

Steven K. Watkins

MTC–00016607

From: Pete Border
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Dear Sirs:

I feel that the enforcement provisions of the proposed Microsoft settlement are not adequate. A committee of three people is not enough to prevent a corporation of thousands, especially a corporation with a culture like Microsofts, fromdoing whatever they please. I would suggest a much larger oversight committee.

Thank you;

Dr. Peter Border
University of Minnesota
Physics Department

MTC–00016608

From: wrb@gw1.corp.hiscorp.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

Hello,

I must protest the proposed settlement.

It is a bad idea.

Please address issues <http://www.kegel.com/remedy/letter.html>

Respectfully,

Bill Bishop

Bill Bishop, V.P. Information Technology/Chief Developer
H.I.S. Financial Services Corporation
Premier Electronic Payment Solutions
Tel:719.633.7005/Fax:719.633.7006

MTC–00016609

From: Marshall Lewis
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Hello,

My name is Marshall Lewis and I am an avid computer tech and end-user. I think the Settlement is a very bad idea. Microsoft has their way with the market, the product, (in many cases) the competitors product, and very much so the end-users whole grasp on the way computing should be. How about if Ford bought out every other car manufacturer, made it illegal to drive one without paying out a fortune per year in extras. Then when Toyota moves in to try and relieve some of the end-users who already know what a crock the Ford operation is and how another manufacturer may very well be a cheaper and most likely more desireable product. But when Toyota does this they are shut down by the governments lack of authority towards a monopoly. They keep showing how they have exposed Microsoft as a monopoly but what has been changed that has actually made an impact on their market share.

Anyway back to work and I hope my opinion counts.

Marshall Lewis

MTC–00016610

From: David Brower
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Dear DoJ,

I am adamantly opposed to the proposed settlement with Microsoft. I believe that the remedy found by the trial judge was, in fact, appropriate. The conduct remedies will not punish Microsoft, nor will they adequately stop the pattern of illegal predatory behaviour proven at trial. The previous history of antitrust litigation with Microsoft shows that without a structural change, Microsoft will find ways to evade conduct restrictions. The limits and wording in the settlement are not narrow enough to begin to control this corporation.

thank you

David Brower
290 Livorna Heights Rd
Alamo CA 94507

MTC–00016611

From: Austin Ziegler
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

The proposed settlement does nothing to prevent the further illegal expansion of Microsoft's monopoly, and in fact encourages actions against various open source projects.

-austin, a US citizen in Canada

— Austin Ziegler, austin@halostatue.ca on 2002.01.23 at 11.24.27

MTC–00016612

From: Jef Barnhart
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

Microsoft should be held responcible for there actions. They have for to long been able to do any thing that they want. They have already thumbed there nose at you. Will you stand for that? They are making a mockery of the justice sytem.

I for one do not wish to live in a Microsoft world.

Jef Barnhart

MTC–00016613

From: Sam Steingold
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

I am opposed to the proposed settlement because I believe it will have no effect on the Microsoft monopoly.

Much tougher measures are necessary.

Sam Steingold, Boston, MA
Senior Analyst, Xchange Inc.

MTC–00016614

From: Todd Kusterer
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

The proposed Settlement is Bad.

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ as currently written appears to lack an effective enforcement mechanism. The last two taken together leads me to believe that there will be no change to Microsofts illegal use of its monopoly.

Todd Kusterer
868 New Mark Esplanade
Rockville, MD 20850

MTC–00016615

From: Robert Morris
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to oppose the currently proposed settlement of United States v. Microsoft. As a 10 year veteran of application development for the Intel platform, I have personal experience with the anticompetitive practices brought to light in the case, both blatant and subtle. After a careful reading of the proposed settlement, it is my conclusion that it does not meet the goal of preventing further anticompetitive practices by Microsoft.

I am in substantive agreement with the points raised by Dan Kegel (http://www.kegel.com/remedy/letter.html) and therefore will not repeat them here.

On a personal note, my company, despite not competing with any current or proposed Microsoft product, still faces integration and interoperability issues —constantly— due to the current state of affairs, namely the exclusive binding of MS applications to and with the operating system. A simple example of this is that anyone whose office uses Microsoft Proxy to control access to the Internet cannot use our product, as the authentication method Microsoft has chosen is undocumented, and is changed with each new version to prevent Netscape and others such as ourselves from reverse-engineering it. Which in any sane world would cause MS Proxy to fail as a product. That it does not is due to it being bundled with the operating system, and working successfully with all Microsoft net-based applications. This situation is a clear case of anti-competitive behavior which will not be resolved by the current settlement proposal (as it excludes ''security'' API disclosures, and does nothing to prevent giving away integrated applications).

In short, while the proposed settlement is a step in the right direction, it will not prevent future monopolistic behavior, merely make it less visible and somewhat less egregious.

Regards,
Robert Morris
VP of Engineering
Eyetide Media, Inc.
Carrboro, NC
rob@eyetide.com

MTC–00016616

From: Glenn Chundrlek
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

To Whom it May Concern,

I am currently employed as a Systems Administrator. I have been working with computer systems for almost fifteen years. I would like to comment on the proposed settlement

The proposed settlement would have almost no effect upon the business practices of Microsoft. If adopted in its current form them the result will be negligible change in Microsoft's behavior, and yet another protracted court case in the not too distant future.

Any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats and protocols.

I hereby respectfully submit these comments for your consideration.

Glenn Chundrlek
6616 N. Toronado Court
Peoria, IL 61614

MTC–00016617

From: Richard Bretschneider
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

I'll try to be brief.

I've used every product listed in the DOJ case against Microsoft. I feel fairly expert in the field, and was an active audience in the browser wars. I'm convinced that although aggressive, Microsoft1s dominance was due to providing superior products, on better schedules, that met more customers needs.

It seems tragic that political forces, driven by industries in their constituency, would manipulate the system to fight a competitor when they failed to do so by producing better products.

I believe that the case so far has harmed Microsoft and the industry in ways we won't know for years to come. I point towards Europe's growing eagerness to attack American companies as evidence that our government is not working in our best interests here. They sense that our government will not only refrain from protecting it1s business assets, but will in fact paradoxically and masochistically set its own citizenry up for the fall.

I don't know what the settlement should be. The one proposed sounded fine to me. Amending it such that schools would have equal access to Apple software would be interesting, but from my experience with helping out at local schools most of them consider Apple products unmerited luxury items. Please consider that Microsoft has already been damaged from the proceedings so far. Recognize that superior products win out over inferior products and inferior products should not be protected from that. Be wise.

Richard Bretschneider

MTC–00016618

From: Skip Egdorf
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

I have many objections to the proposed Microsoft/DOJ antitrust settlement. Foremost among these is the issue of allowing open-source development efforts access to Microsoft Application Programming Interfaces (APIs). The proposal only allows access to ''business'' parties where Microsoft gets to determine the ''business'' status. Microsoft has already stated that it considers open source systems such as the Linux operating system to not be valid ''business'' entities.

Open source development efforts MUST be acknowledged in the settlement as a valid recipient of Microsoft information.

If Microsoft is allowed to remain intact as a monopoly, all of its programming interfaces, file formats, and network protocols MUST be considered to be freely available published standards. I am not a lawyer, but I believe that the guiding principle would be the notion of a critical facility controlled by a monopoly as described in the early 20'th century supreme court decision where a single railroad controlled all bridge traffic over the Mississippi river and that the monopoly must make such a critical resource available to all on an equal basis.

The critical facility in this case is the published interface specifications to Microsoft's APIs, file formats, and network protocols.

Thank you for your consideration of these comments.

H. W. Egdorf
Technical Staff Member
Los Alamos National Laboratory
Los Alamos, NM

MTC–00016619

From: Jon Shiring
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

To Whom It May Concern,

This email is to note my objection to the government-proposed settlement. I feel it does not adequately restore competition to the PC world. In fact, I think it legitimizes some very anticompetitive practices, such as their constantly-changing closed office formats that prevent any non-Microsoft office packages from reading Word, Excel, and Powerpoint files.

I feel that the settlement does nothing to actually punish Microsoft for their past abuses. Microsoft has been found guilty of violating a law in specific instances and the punishment is being told ''never do that again''. Allowing a criminal to benefit from violations of the law is an insult to any notion of ''justice'' and a slap in the face to the American public.

I feel this settlement is woefully inadequate. Any fair settlement will punish them for past abuses and help level the playing field for competition to begin. I do not feel this settlement accomplishes either of these goals.

Sincerely,
Jon Shiring
44016 Ferncliff Ter
Ashburn, VA 20147

MTC–00016620

From: Matthew Johnson
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

Hash: SHA1

I would like to complain about the proposed settlement in the Microsoft Antitrust case. Although the settlement has several good points, I feel that it does not go far enough. Microsoft have been proven to use unfair marketing tactics, and of leveraging their monopoly, and I don't believe this solution will prevent this happening again, this time into the digital media and streaming arena.

I am very anxious that problems such as the incompatibility with their Office file formats which have for a long time kept other software out of that market, due to the necessity of interoperability with other companies. It has been suggested by many people knowledgeable in the field that all that is necessary for competing programs to have a fair chance, would be the requirement that Microsoft release the details of their file formats, enough to make it easy to produce a program that can read the files with equal reliability to their own products. I strongly support this view, and would urge that you consider it before making a decision

Thank you

Matthew Johnson. <mjj29@cam.ac.uk>

Why the EU–CD is bad—don't let this become law!

http://eurorights.org/eudmca/WhyTheEUCDIsBad.html

''They that would give up essential liberty for temporary safety deserve neither liberty nor safety.'' —Benjamin Franklin

''Those who desire to give up Freedom, in order to gain Security, will not have, nor do they deserve, either one.'' -—Thomas Jefferson

My PGP public key: http://www.srcf.ucam.org/mjj29/content/aboutme/cam.pgp PGP Key ID: 0x5BE86FB9

MTC–00016621

From: Jeremy Van Veelen
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeremy Van Veelen
Americian Citizen Living in Canada
Jeremy Van Veelen, MCP+I, MCSE
James Evans and Associates
Systems Administrator, Oracle DBA Tel: (250) 380–3811
j—vanveelen@jea.ca
Fax: (250) 380–0091
Tel: (250) 389–2766
http://www.jea.ca

MTC–00016622

From: Gary Schulte
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

There are a number of problems others have discovered and brought to my attention about the Proposed Final Judgement in the Microsoft Antitrust suit.

I expect you, as officials representing the best interest of the citizens of the United States, to reconsider said judgement in light of these points:

a.. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

a.. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

b.. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

c.. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

d.. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

e.. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

f.. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

g.. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

h.. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

i.. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

b.. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

a.. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

b.. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

c.. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

Thank you,
Gary Schulte

MTC–00016623

From: lowgun@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

The proposed settlement is a very bad idea for it is only helping Microsoft monopolize the operating system market.

A better settlement would be to agree to not split Microsoft, in exchange for the abolition of all agreements Microsoft has made with any PC or electronics manufacturer.

MTC–00016624

From: Brian McFadden
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

The proposed final judgment in the United States v. Microsoft treats Microsoft with too much leniency.

Please reconsider it.

MTC–00016625

From: shawnm@wsp008010wss.inprise.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Microsoft has consistently used monopolistic practices to subvert other operating systems from thriving in the market, and has at every turn tried to subvert open standards in favor of proprietary protocols. This is destroying innovation in the market.

The settlement is a BAD idea.

MTC–00016626

From: Jim Miller
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

The Proposed Final Judgment for this case is completely inadequate. It allows Microsoft to go unpunished for it's proven crimes.

Microsoft must be punished more than this, which is barely even a slap on the wrist, if we expect to see any real change from their past and current illegal practices.

Jim
—
Jim Miller
magnan@xinu.nu

MTC–00016627

From: Jim Cassidy
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a

''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
James P. Cassidy
Jim Cassidy
Celebrate national pi day,
JimCassidy@mail.com
Mar 14, at 1:59.26 am.

MTC–00016628

From: Will McKenna
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom it may concern:

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Most of my concerns about this settlement are aptly described in this article:

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Thank you,
William J. McKenna
6810–A Thorncliffe Drive
Austin, TX 78731

MTC–00016629

From: gene livingston
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: settlement

23 January 2002

I have read about the proposed settlement, and I am not in favor of it in its current state.

Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Gene Livingston
1222 Commerce St #1611
Dallas, TX 75202

MTC–00016630

From: Jim Sanford
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am a full time internet software developer using Windows based tools (IIS, Interdev, VB, VBScript, ASp and others).

For the most part these tools are adequate to accomplish the tasks I need to get done.

However, I AM OPPOSED to the current proposed Microsoft settlement. One of the main reasons I use the Microsoft tools is that there no others available that are easy to use or integrate with the existing Microsoft OS and existing Microsoft products.

I am also appalled at the business behavior of the Microsoft Corporation. I think the playing field needs to be leveled and Microsoft must be made to make amends for the laws they have broken. The proposed settlement does not do that but in many ways actually rewards them for bad behavior.

James Sanford
2004 Hudson Ave
Norwood, OH 45212
jimsanford@wdsvc.com

MTC–00016631

From: dan
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Hello, I am adding a comment under the provision of the Tunney Act. I feel very strongly that the settlement is tipped far in the favor of a large, horrid company that cares not one bit about fairness, decency, or even quality products. Microsoft should be punished, split, and exposed as the ruthless, rotten money grubbing weasels that they are.

Thanks.
Dan Norton

MTC–00016632

From: Kirk
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Greetings;

I've been a long time Microsoft developer as well as Java developer. I just don't understand how the settlement in the Microsoft case could have come about in the way that it did to become such an ineffective judgement. It is obvious that Microsoft wields monopoly power over so many areas, and though I do personally benefit from some of their practises, I really think as a whole the population is not. I wholeheartedly do NOT agree with the current settlement in the case against Microsoft. It is too broad, provides no real penalties for their past and present actions and in the long run will be quite ineffective. So please, i ask you to get a different settlement, one that makes microsoft answer for this practises that are harmful to it's own industry and in the long run to the population at large. I don't think we want our tax dollars to have been spent for so many years proving Microsoft's predetory practises, just to have Microsoft continue on with these same practises that they were found of guilty of. Otherwise we have wasted the DOJs time and the taxpayer's (people like me) money.

Thanks
Matthew Kirkconnell
Ashburn, Va.

MTC–00016633

From: Dyas, Greg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Dear Sirs,

The purpose of this letter is to express my opinion during the comment period mandated under the Tunney Act, which requires the court to consider public opinion before ruling on any settlement.

The settlement proposed is entirely unacceptable and represents a giveaway by the government when it stood in an advantageous position in the case, but I'd like to focus specifically on the fact that Microsoft would be permitted to keep its Windows and Windows API source code private. To allow Microsoft to keep hidden the code behind the instrument it's used to bludgeon Netscape Navigator is akin to letting a murderer get off with a warning, then choosing to give him his gun back because, after all, it is his gun. The code used at the operating system level of a computer determines how any other program is permitted to interact with it. Microsoft has been proven before, not only with Netscape but previously with Caldera's DR-DOS, to have no ethical problems using this OS-level control to ''break'' other programs. To prevent this from occurring again, Microsoft must somehow be forced to open its code, or failing that, to separate its Windows business from its other software & hardware concerns.

Opening up the code would also allow increased competition with the Windows platform and reduce Microsoft's abused monopoly position. Such projects as the volunteer-driven WINE software project, that seeks to allow Windows programs to run on machines running the Linux operating system, would be able to thrive and would provide a non-Windows arena for Windows programs to run in.

Lastly, there's the simple fact of security. Many sensitive projects, run by individuals, companies, and the government itself, are driven by Windows operating systems. Simply by seeing the code, computer programmers for businesses and the government would be able to close for themselves the numerous holes constantly discovered in the Windows OS. Let's diminish their ability to use the weapon they've used again & again to inhibit competition. Let's introduce a true level playing field to the Operating System market. Let's look at the code. Any settlement that doesn't allow the people to see what's been used against them is incomplete.

Thank you for your attention to this comment.

Yours,
—Gregory Dyas
1429A Poli St.
Ventura, CA 93001
(805) 641–1109

MTC–00016634

From: Shemano David A Contr AFRL/SNJM
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse,

I am writing to you to exercise my right as an American citizen to comment on the proposed final judgment in the United States vs. Microsoft during this period of public comment, and I would like to thank you personally for the opportunity to do so. My concern with the proposed final judgment is the way it fails to present a remedy to the strong-arm tactics Microsoft has used in the past against OEM's who would sell computers that include operating systems other than Microsoft's. While the proposed final judgment does make an attempt at a

remedy (note: I am not a lawyer, so I may be using the term ''remedy'' in a vernacular sense that is its a legal sense) it seems to me that some blaring loopholes remain.

Section III.A.2. Seems to allow Microsoft to retaliate against an OEM who sells a computer with only a non-Microsoft operating system.

Section III.B.3. Seems to allow Microsoft to provide a discount to an OEM who ''plays along'' with Microsoft's wishes, which amounts to punishing those who do not. My other concern is that the proposed final judgment fails to disallow Microsoft's licensing agreements that prohibit interoperability with non Microsoft products. Currently the Microsoft Visual C++ end user license agreement prevents me from using their supposedly ANSI standards compliant development system and compiling my program for a non Microsoft Operating System.(!) Microsoft also currently prohibits users from using non Microsoft tools to develop for their .NET platform. Many web sites use the PERL and Python and Java (and others) languages to script the user's experience, but Microsoft wants to put an end to this practice as soon as they start to deploy their .NET web servers. I believe the Proposed Final Judgment fails to address this clearly anti-competitive practice. This is something like GM requiring that you buy their tools to work on their cars and if you use some other vendor's tools your car will be confiscated.

Finally, I believe Microsoft should be compelled to publish the file formats used by Microsoft Office. Microsoft Office is in general a great suite of programs that can compete successfully with any other offerings and those who use it do not need to be shackled to it by its proprietary formats. (What I really believe is that the United States Government should refuse to buy any office applications that do not have an open and published file format, but that is beyond the scope of the proposed final judgment.)

In general, the proposed final judgment is pretty good, and I hope the comments gathered during this public period will be used to craft a final judgment that levels the playing field for everyone and genuinely prevents Microsoft from unfairly leveraging their monopoly any further.

thank you again for this opportunity to participate in this public comment period.

Sincerely,
David Shemano
Scientist
Optimetrics Inc.
under contract to
Air Force Research Laboratories
Sensors Directorate
afrl/snjt
(937) 255–9609 x225
david.shemano@wpafb.af.mil

MTC–00016635

From: dr buford
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Dear Sirs:

I believe this settlement is a bad idea. Think about the already-frightening ramifications: I am writing this on a computer running MS Windows, emailing you using Internet Explorer, using MSN Hotmail as my conduit. In fact, I'm not even sure that this will arrive, considering how Microsoft has bullied things in the past. I am a research chemist, and I shudder to think that a corporate behemoth could bring to a halt much of the research in the world if they deemed it would be better for their business.

Sincerely:
Dr. Buford Lemon

MTC–00016636

From: Jason Samsa
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea, it does not do enough. More must be done to keep Microsoft from using the obfuscation of software to introduce incompatabilities into competing products. They have a position in the software market which allows them to crush any competition that they wish. Microsoft's practices discourage innovation and often take the fun out of being a computer professional.

Jason Samsa
Appleton, WI
Database Administrator
Airadigm Communications

MTC–00016637

From: mace
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

Microsoft steals business opportunities from (ANY sized) potential competitor by brute force. Flooding the market with a usually inferior product for free.

Thus making most people if they know better of not just use the free replacement product that is right at hand.

Examples are: Windows ME has built in Picture viewers and software for digital camera functionality. (a nice addition to the OS but a stolen opportunity from a software company) Microsoft Media player, a stolen opportunity from real player or many other Software Companies. Netmeeting—no place in a real OS IE a well documented case of MS stealing business from another company with monopoly power.

These are just a small collection of examples the full list is well documented from previous cases against MS. The real tragedy is that MS spends all of the resources to make these (non-inovative and usually inferior) products that are made possible by and strengthen their monopoly instead of making a sound secure OS. If this was a tobacco company they would be putting ammonia in the kernel.

Microsoft is hurting the world economy more than you can imagine, holding us all back, please stop them.

Chris Marckel

MTC–00016638

From: Kevin L
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

The settlement is a very bad idea. Please don't let big business (MIcrosoft) buy our government. It is bad enough that they have put many competing businesses out of business. The scary thing about Microsoft is that if we don't have the courage to level the playing field right now, it will be too expensive to level the playing field later.

Kevin Leavell

MTC–00016639

From: Charles Lewis
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

My perspective from IT services in Education: The Microsoft settlement is a BAD idea.

Charles Lewis
Dir of Adminstrative Computer Services
Southwestern Adventist University
817–556–4720
lewisc@delta.swau.edu

MTC–00016640

From: Tom Pitts
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement as it does nothing to resolve the current anti-competitive situation, but only presents a weak attempt at preventing a similar situation in the future. There is no punishment for the commission of illegal acts, which seems to be rewarding Microsoft for those unlawful acts.

Tom Pitts
2603 St. Alban's Circle
Apt 106
Naperville, IL 60564

MTC–00016641

From: Friedrich, Robin K
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

The settlement represents no solution to the long standing problem of anti-competitive policies and actions taken by Microsoft over the years. Microsoft have not added much at all to the general technology base of the industry. They have only accomplished the reduction in choices I and my business have. The settlement is a rotten idea as it does little to keep Microsoft from continuing to benefit from their monopoly.

Robin Friedrich

MTC–00016642

From: Chris Hendrickson
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am writing to discuss my displeasure in the current proposed final settlement is a case of ''too little too late''.

It it my opinion that the current proposed settlement does little to truly address the two major problems with Microsoft's current monopoly, or rather how they are capable to maintain that monopoly, despite the public perception of low quality.

Those two major issues are the Windows API (Application Programming Interfaces), and the Microsoft Office Document formats. Several years ago, A company by the name of IBM created the ''IBM PC'', this, just like all other computers of the era was a proprietary architecture unique to IBM. It is

because of Compaq's reverse engineering of the IBM BIOS and the subsequent opening of the architecture that computers are the way they are today. I can get a Motherboard from one of many companies (Gigabyte, Asus, Epox, etc.), CPU from one of another (Intel or AMID), Disk Drives from yet another (Seagate, Maxtor, Western Digital, etc.) Memory from others, Video Sound and other expansion cards from a plethora of other providers, put it all together and get a working machine. In fact, from the hardware standpoint, the only thing that is interdependent is the CPU (since AMD and Intel use different Processor interfaces). It does not matter whether I use a Gigabyte or Asus Motherboard, as long as the board supports the processor, and supports the standard interfaces such as AGP (Video), DIMM (RAM), IDE (Hard Disk and CD–ROM Drives), PCI (Misc. expansion cards). These are open standards that are fully documented and that any company can create a product that can fully interface with them. The specifications for there interfaces are often not controlled by one company, but often, by groups of companies, and the specifications are open and available for access and comment. It is this openness and standards that make the PC hardware what it is today.

Software is a different story. The ''standard'' is the Microsoft Windows Operating System, the Application interfaces are not open for all to see, many are closed and only available internally in Microsoft. The majority of users use Windows because they have no choice, because Windows is the only system that runs the applications they want, yet since Windows is the most commonly used Operating System, most companies will develop exclusively for it. This is the ''Application barrier to entry'' that was mentioned in Judge Jackson's finding of fact. The problem is the same for the Microsoft Office suite, businesses will use distribute documents in the MS Office format because it's what almost everyone uses, and almost everyone uses that format because almost everyone uses MS Office.

The Resolution to the problem mentioned above is simple. Opening the IBM PC architecture went a log way in encouraging competition in hardware (not only in manufacturers of individual components but also on the level of System integration such as Gateway, Dell, Compaq, etc.). The resulting competition in turn also reduced costs and prices (costs because the providers of the fabrication and raw materials were better able to compete, and price because of the competition between the manufacturers). Likewise, the opening of the Microsoft Windows API's (all of them, including but not limited to Microsoft's JAVA, DirectX, ''Win32'' and ''Win16'' WinG, and any other such Interfaces that are available to applications, either third party or Microsoft's that are available on any standard Windows computer), and of the Microsoft Office formats, would encourage and stimulate competition in the Operating System and Office Suite arenas. First, there is currently a project called ''WINE'' (http://www.winehq.org/—an application wrapper to run Windows applications on UNIX-like Operating Systems, most notably Linux) that is synonymous with Compaq's effort to reverse engineer the IBM BIOS, however, this project is far from complete, and still continues to have major problems in developing a system that will run anything more complicated than solitaire without problems. The opening of the Windows API will go a long way in not only improving the compatibility of projects such as wine, but it would allow them to run Windows applications almost identically as windows would natively. This would allow Operating Systems such as Linux and BSD (and the ill-fated BeOS and OS/2) to incorporate those API's into the System itself. This would have the effect of almost overnight, allowing many systems to run Windows applications as well as Windows itself does (if not better). This would allow for much greater competition in the Operating System market, such as users today do not have to worry about getting the video card that works with Epox, or Gigabyte motherboards, but rather only have to be sure that is uses the standard AGP interface. In the same way, a user would not have to worry about whether an application would work on Windows, or Linux, or perhaps even MacOS, but would only need to be sure that it uses the standard Universal Application Interface.

The same reasoning applies to the Microsoft Office, if the Office formats were made open, then any application could integrate those formats into it's own file handling routines and be able to read and write Microsoft Word or Excel documents as well as Word or Excel itself. When that happens, just as with Windows, users will no longer have to get Microsoft Office to communicate with the rest of the business community, but rather only need to find an Office Suite that meets their needs and is capable of dealing with the standard Universal Document Formats.

A one time opening however would not be enough to ensure further competition, Microsoft could easily circumvent the API's in the next version of Office and Windows, by making older API's continue to work, but with the stipulation that if a developer wants to use the new features of the latest versions of Windows and/or Office, then that developer would have to access the new closed proprietary API's (this is commonly referred to as Microsoft's embrace and extend strategy, by embracing a standard, then adding Microsoft Proprietary extensions to it so that Microsoft's implementation will work partially with other implementations, but only fully be able to work with other Microsoft implementations.) Therefore, it would be my suggestion that a standards committee be appointed to oversee the opening of the Windows API, and Office Document format, and then continue to oversee the further development of the new standards. Such a body, while could contain Microsoft representation, should also include other companies with an interest in those protocols. Comtpanies such as Apple Computer, RedHat, IBM, Sun Microsystems, and other companies that would have an interest in a Universal Application Interface would have equal vote in the committee, similarly, companies such as Sun Microsystems (StarOffice), Corel, IBM (Lotus), and other companies that would have in interest in a common Document format, would have positions on the Universal Document Format committee. Additionally, it is my opinion that if such a remedy were to be put in place, that Microsoft should then be required, for a period of perhaps five to fifteen or more years, to adhere to these standards and not be allowed to incorporate proprietary extensions. This period would allow competing Operating Systems to adhere to the standards, and allow for the market to adjust itself accordingly.

It is my opinion, that any remedy short of the forced opening of the Application and Document interfaces and formats will not be adequate to fully address the lack of competition in the Operating system and Office suite markets. While this same remedy might also be applied to other areas of Microsoft's monopoly as well, such as their Internet Explorer browser, the primary area of concern for is currently the Windows Application Interface, and the Office Document Formats.

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MTC–00016643

From: Jim Rucker
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I think that the proposed settlement with Microsoft is a terrible idea. It will not only NOT curb their anti-competitive practices, but will actually further them. For example, the proposed solution of Microsoft donating computers and software to schools will eliminate one of the last places in America where Apple still has some marketshare. How will Apple compete with a company that is giving away what they are trying to sell?! Had Microsoft done this outside of this settlement I would consider it to be an act of unfair business practice worthy of investigation, but to make it a part of an anti-trust settlement is ludicrous!

As a software developer I know that if I have an idea for an incredible application that will change the world I wont make a penny on it. The reason why is that if I develope the product for Windows and Microsoft sees what a great idea it is they will make their own version. Then they will integrate it into the operating system and give it away for free. Their teams of lawyers will prevent me from receiving any settlement from them and Microsoft in the past has all but ignored judical decisions, amazingly without recourse. Their marketing department will make it appear as though they invented the idea and that my product is a blatent rip-off. Knowing this has caused me to cancel several projects that I have started since without a financial reward I would not be able to entice any investors to fund the creation of this software. There is no doubt in my mind that Microsoft has

shown little innovation in their entire company history, but has instead acted in a predatory and destructive manor. This antitrust lawsuit is the chance to finally slow Microsofts anti-competative behavior but unfortunately I read day after day of Microsofts undermining the whole process through proposed settlement that cause more harm than good being given the nod by people that either dont understand the issue or have been unduely influenced by Microsoft (such as the lawyers who have received floods of mail and email that has its origin from Microsoft).

I hope this email is used to help influence those involved in the Microsoft antitrust suit into imposing more effective legislation.

Sincerely

James D Rucker

MTC–00016644

From: Patrick Mowry
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

Good Day,

Here are my main complaints about the proposed final judgement. I will keep it brief. IT prohibits certain behaviors by Microsoft towards OEMs, but allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. I have worked for these smaller OEMs in the past. They are no longer in business because of practices like this.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the settlement is encouraging Microsoft to extend its monopoly, and to leverage it into new areas. This settlement is of no use to those it is supposed to protect, the people of the United States. I support measures defined in the state alternative settlement, but it also needs further review.

Thank you for your time,

Patrick M. Mowry
1721 East Bruce Ave.
Gilbert, AZ 85234

MTC–00016645

From: E THEJUDGE
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: MICROSOFT SETTLEMENT

Judge;

We need a fair and level playing field in the US software industry. We surely do not have one now!

I have been in the industry for almost 15 years, and I have seen Microsoft again and again abuse their monopoly power. Please ensure that Microsoft (they?re not called ?the beast of Redmond? for nothing) is obliged to honor the law just like everyone else.

Your courageous stand on this difficult issue will be deeply appreciated.

Sincerely yours.

Mark Keckis
4440 Rosewood Dr.
Pleasanton, CA
94552

MTC–00016646

From: Jeremiah Gilbert
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft is a bad idea.

Jeremiah Gilbert, Moriah New York

MTC–00016647

From: Mike Heath
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am deeply concerned with the proposed settlement in the Microsoft Antitrust case. I was very enthused to discover the Proposed Final Judgment requires Microsoft to finally open its APIs to Windows but after further investigation I discovered that the PFJ does not in fact require Microsoft to open the Windows APIs. It merely requires them to open the interfaces between Microsoft Middleware and Microsoft Windows. Opening the APIs should be opening the door all the way open and not just letting someone get their foot through the door only to find that's as far as they can go. The wording in the PFJ does not solve the problem. It helps but it's more of a dong and a dance than a real solution.

Thank you for hearing my voice.

Mike Heath
1255 South Alpine Way
Provo, Utah

MTC–00016648

From: Jaron Abbott
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not provide adequate reparations to the hundreds of companies injured by Microsoft's anti-competitive practices, nor does it limit its ability to commit similar actions in the future. Microsoft is still allowed to benefit from all their illegal acts, so long as they don't commit those acts again. This is not justice for their victims or the American people as a whole.

Microsoft should become a government-regulated monopoly, at least until its market share drops below an acceptable level (e.g. the level of one of its competitors). This is the only way they will curtail their practices. Even when found guilty, they did not change their behavior. Microsoft's practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. The United States is a successful country because a free market has encouraged firms to compete by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain sufficient power to destroy the competitive nature of the market in which they participate. One possible solution would be forcing them to release source code, protocols, or something similar, so that other companies could compete. The current settlement shows that the government no longer has the power to enforce the laws that control our capitalistic country.

Sincerely,

Jaron Abbott

MTC–00016649

From: Dave Grogan
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

This is not enough to punish Microsoft. The last few months the internet has been overwhelmed by the code red and nimda worms, which are directly related to sloppy code. We don't even want to talk about the outlook ''features.'' No one would use MS's products because there are much better alternatives out there, except that they have no choice.

My opinion on a sufficient remedy:

Break them up, so that each piece produces the same as the other pieces. Each pice would produce applications, operating systems, web browsers, etc. This will cause some healthy competition.

OR

Make them release all of their code under the GNU General Public License. This will at least let the entire programming population help secure their products.

Microsoft's current state is unacceptable and needs major, major modification. This settlement is not enough.

David Grogan

MTC–00016650

From: Brien Dieterle
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

I am taking a Public Speaking class at Arizona State University. I was the only person shocked and appaled that we are required to use MS PowerPoint Presentations and MS Word documents. Required. There was no alternative.

State Funded Universities should embrace free software, at the very least tolerate it and allow for diversity. The proposed settlement will only entrench these practices that are already in place.

I disagree.

Sincerely,

Brien Dieterle

MTC–00016651

From: William Kilgore
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to urge that you reject the proposed settlement in the Microsoft anti-trust case. I cannot fathom a legitimate reason why the Department of Justice, having won a decision that Microsoft was inviolation of the anti-trust laws, felt compelled to offer its unconditional surrender. The settlement will not only allow Microsoft to continue its abusive practices, it will offer them the legitimacy of doing so under a consent agreement that does not force them to change their ways.

Please reject this settlement!

William Kilgore

Port Jefferson, NY

MTC–00016652

From: Hodgers, James
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:45am
Subject: The proposed Microsoft settlement

The proposed settlement is definitely poor and unworkable. the restraints on Microsoft (MS) are meaningless, especially when you consider the lack of conformance by MS in preceeding actions.

The have proved again and again that they consider themselves to be above the law. The flaws in the safeguards proposed in the settlement give MS ample room to negate any santion in the settlement. Also I believe this settlement does nothing to redress the losses to the community suffered as a result of MS's blatent use of their monopoly to gouge the consumer. In the period after the judgement they have continued to act in an illegal fashion to move their monopoly into other areas, using the monopoly in operating systems to force these new thrusts into the monopoly.

James M. Hodgers
Staff Associate, Controls Dept.
Stanford Linear Accelerator Center
2575 Sand Hill Rd
Menlo Park, California
jmh@slac.stanford.edu
www.slac.stanford.edu

MTC–00016653

From: Pete Border
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

Dear Sirs:

I would like to register my objections to the proposed Microsoft settlement. I believe that the proposed ''oversight committee'' is much too small, and much too restricted to have any effect. The Microsoft company culture is quite capable of ''wballing'' the committee and, since the committee is bound by NDAs, it would be unable to get any help. I would recommend these changes:

1. Increase the size of the oversight committee and include more outside people
2. Publicize their deliberations on the web in pdf format
3. Require the committees approval on all products shipped by Microsoft.

I believe that anything less will not be effective.

Thank you;
Dr. Peter Border
School of Physics and Astronomy
University of Minnesota

MTC–00016654

From: Patrum, Frank
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing this letter to protest the proposed settlement in the Microsoft antitrust case. This settlement proposal does not address the previous actions Microsoft has taken, but rather, tries to prevent them from committing these same illegal acts in the future. Microsoft has held little regard for the law in the past, and it is my belief that they will continue this attitude in the future. The settlement needs to be harsher towards Microsoft and actually punish them for their actions. The settlement also needs to set forth strict guidelines on Microsoft's future business practices, to allow their competitors fair and legal opportunities to produce their own products without fear of repercussions from Microsoft.

I use several operating systems from Microsoft as well as Linux, and Solaris so I do not feel that Microsoft is an evil empire. I do believe, however, that their business practices are corrupt and that the Department of Justice (DOJ) needs to stand fast against the power of the almighty dollar and deal with Microsoft using a firm hand and the full force of the law. This settlement is an unacceptable breach of trust by the DOJ with the citizens of the United States and needs to be amended to hold more weight against Microsoft, else there will be more suits like this in the future. Law suits that will, in the long run, waste government time and tax-payer money.

I sincerely appreciate your time in reading this letter, and hope you take it as some confirmation that citizens of the United States do not believe that Microsoft should be spared harsh punishment for their breach of the law. Thank you.

Frank Patrum
Electrical Engineer II
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Falls Church, VA 22042–2902
(703) 560–5000 x4696
(703) 208–1208 fax
frank—j—patrum@raytheon.com

MTC–00016655

From: jlucien@erols.com
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I am a software developer, have been a network administrator, and have been PC enthusiast since childhood. I will keep my comments on this situation short and to the point. I'm not going to try and list all of Microsoft's transgressions—they have already been found guilty of illegally using monopoly power. What I would like to impress upon you is the effect of their actions on the average computer user. How many times has your computer crashed without warning? How many times have you lost work because of a crash, costing you valuable time and effort? How many times has your computer done things without your knowledge or asking you? Have you ever wanted to just throw your computer out of the window because it's so difficult to work with?

Everyone you and I know would answer yes to all of those questions. I bet everyone at the time was using the Windows operating system of some version or other. My point is, everyone (i.e. consumers) who have had these experiences and wished they could use something else, have not easily been able to, and considering this is America, that's ridiculous. I bought a new laptop a few months ago and could not buy one without Windows already installed (meaning I *had to pay* for something I did not want). Where is the choice in that? Why should I have to buy that awful operating system when all I wanted was the computer? I can install my own operating system—I don't need or want theirs. Not only that, I got a bum deal because I didn't even get the disks to reinstall it should it break, which it will, based on all my previous Microsoft Windows experience.

It's not fair on the consumer, and the proposed settlement will only propagate that power. It's quite obvious that Microsoft are using this ''settlement'' to break into a portion of the market they don't actually dominate. Please do not let Microsoft do this. Punish them properly, and then stop the continuation of use of the monopoly leverage. Do not let them force computer manufacturer's to sell their product. Do not let them cripple software to only work properly with their own products without clearly informing the buyer/user.

Do not let them force the user's of their products register their names, addresses, e-mail addresses and computer hardware with them just to ''use'' their operating system. Please rectify this intolerable situation so that ''average'' computer users can make choices without fear of purposeful non-interoperablity. If consumers cannot be monetarily compensated, then please compensate them with actually stopping the illegal use of monopoly power, and opening up the barriers to entry so that other companies may compete with them on an even playing field.

Thanks,
Veesa Norman,
Washington DC.

MTC–00016656

From: holbrook@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

Microsoft has been found a monopoly. The DOJ settlement with Microsoft does not go nearly far enough to contain the anti-competitive practices of Microsoft. Microsoft has continued to use its operating system monopoly on the desktop to unfairly compete with other software application and operating system companies by bundling applications. This has resulted in harm to the consumer by reducing competition and choice.

Thank you,
Mark Holbrook
5770 W. Antelope Rd
Pocatello, ID 83201
CC:Mark Holbrook

MTC–00016657

From: Fish Christopher G Contr 46 TS/OGET
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am a software developer. I am very concerned that the judgment against Microsoft is not in anyway strict enough. I do not believe it has sufficient power to lower the entry barriers to competing products that Microsoft has created by abusing it's monopoly. Specifically I believe it is very necessary to have 100% disclosure of the windows API. The definition currently being used for API is limited to the API as it relates to middleware products. If it is going to be possible for us to make software the competes reasonably with the software that Microsoft puts in its operating system as middleware it is VERY necessary to have full knowledge of the entire win32 API. (for instance the installer API).

Failure on this point will make the Judgment against Microsoft almost completely ineffective.

MTC–00016658

From: Ryan Swartzendruber
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I think the settlement with Microsoft is a bad deal for the public. Settling by allowing Microsoft to solidify its position of dominance with donations to schools is outrageous.

-Ryan Swartzendruber

MTC–00016659

From: Ethan Schlenker
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The proposed Microsoft is a ''Bad Thing'' as the punishment does not fit the crime. Rather than actually suffer for their transgressions, they would benefit from the long term outcome of the settlement. So please reconsider the decision.

thank you for your time.

Sincerely,

Ethan Schlenker

MTC–00016660

From: H. William Connors II
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I just wanted to express my opinion on the proposed Microsoft settlement. I do not believe that the proposed settlement will effectively curtail the Microsoft monopoly. Unlike the AT&T monopoly and breakup I don't believe the proposed Microsoft solution doesn't have sufficient provisions for eliminating or even preventing future monopolistic practices.

I feel a better solution would more closely mimic the AT&T solution. I would suggest that breaking the company up and then applying some additional constraints to those individual companies is the right solution. I would therefore break the company into the following 2 or 3 pieces. I would split the company into an Operating Systems company and an Applications company. If the decision is made that Internet Explorer is an integral part of the Operating System, I would create a third company which is comprised of the Microsoft Services such as MSN and its E-commerce components and technologies such as passport.

Constraints for the Operating Systems company:

I would required that all technical documentation (i.e. API specifications, etc) be licensed in a manner similar to that specified at http://www.kegel.com/remedy/remedy1.html ''Microsoft shall disclose and license to ISVs, IHVs, IAPs, ICPs, OEMs and Third-Party Licensees, on an ongoing, basis and in a Timely Manner, in whatever media Microsoft customarily disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable:...'' where: ''The aforementioned license shall grant a royalty-free, non-exclusive perpetual right on a non-discriminatory basis to use this information to create independent implementions of the APIs so disclosed.'' and: ''ISV'' means any entity (including without limitation the Open Source community) other than Microsoft... This documentation should be made available to all interested parties at the same time as it is made available to the Microsoft applications company.

In order to ensure equality for all application developers, I feel that the microsoft development suite (i.e. Visual Studio) should remain with the operating system groups. This creates a level playing field in that all application developers will have access to the same optimizations and development libraries to access core OS resources.

In addition the service aspects of the .NET technologies should be removed from Operating systems group. This technology and its corresponding services are extremely powerful and useful. I fear however that they are the next major area of monopolistic concern. As the internet becomes even more pervasive, these technologies have the potential to lookout other technologies, applications, and platforms from the internet. The fact that microsoft is bundling this technology with the operating system almost guarantees them a monopoly on the internet. The internet has to be kept an open and level playing field.

Constraints for the Applications company:
I feel that it is important to offer individuals the ability to run an operating system free of choice and not be limited by application availablity. While I would like to see the Office suite available on multiple operating systems, I don't know that that is necessary to be enforced by a court. Instead I think interoperability is more important and thus I feel the file format should be made public. This will allow other application (cross operating systems) to be able to reliably and accurately interchange data. This format should be made available under a license similar to that describe for the operating systems API. In addition the file format should be available to those interested parties atleast by the release date of office.

I also feel it is important that if a process is put in place for the Applications group to request features and/or report bugs in the operating system that that process be made available to those interested parties which licensed the operating system API. In addition this process should implemented in such a manner as not to biased to the Microsoft applications company.

Constraints for the Services Company:

The more I think about .NET and some of the services it provides, the more I think the right solution is to create a services company. Again this company should be forced to license their API's under a similar agreement to that of the OS APIs.

Bill
H. William Connors II
bconnors@rochgrp.com
Software Engineer
The Rochester Group, Inc.

MTC–00016661

From: Joseph Lyman
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

To whom it may concern:

Over the past several years my attention has been drawn to the questionable business and political practices of Microsoft Corporation, the high profile company involved in this case. As an informed consumer, and as a business owner in the technologies industry it has become increasingly apparent that Microsoft is unable to operate in a manner condusive to our free market.

One concern that stands out in particular is the manner in which Microsoft Corp. handles its dealer relations with Original Equipment Manufacturers (OEM's). These OEM companies are responsible for an increasingly large percentage of all North American computer sales and are thus an important and key distribution point for any software makers.

Microsoft has repeatedly shown that it cannot act responsibly in its relations with OEM dealers. The settlements that have been proposed do address this matter, but with very little resolution or restriction and thus very little assurance that anything will change.

Below are a few arguments that have been made in general concerning this matter (quoted): ''The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

''Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

''Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

''Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

''By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.''

I agree wholeheartedly with these arguments and would encourage the Departement of Justice to reconsider its actions with Microsoft Corp. Futhermore I would recommend that any action taken should address the above concerns and help restore the market that Microsoft has destroyed.

Thank you for your time in this matter.

Sincerely,

Joseph Daniel Lyman

Partner, CIO Exacura Professional Technologies

Tigard, OR 97223

jlyman@exacura.com

MTC–00016662

From: David Buzz Bryant
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The settlement is a terrible idea. They cannot be allowed to walk away from the damage they've done to the industry.

In the mid-90s I co-owned a small computer graphics company. As a sideline, we also built computers for some of our clients, and had registered with Microsoft as an OEM. We only built about a dozen machines a year, though, and after two years decided it wasn't profitable enough to continue offering this service. As a result, we stopped ordering OEM packs.

Soon we received a letter from Microsoft's lawyers claiming that, since we were no longer ordering copies of Windows 95, we must be pirating their software. (This was completely baseless, by the way. I'm a straight shooter.) They actually stated in their letter that the only way we could avoid legal action by Microsoft was to immediately begin ordering copies of Windows 95 at our former rate.

In other words, Microsoft was going to take us to court because we weren't buying as much of their product as they thought we should. I believe that to be extortion. My partner had a lawyer friend contact them, and they called off the dogs. But it left a sour taste in my mouth, and has turned me into someone no one wants to mention Microsoft around.

These people are arrogant, vicious greedheads that will do anything to win. They think they are above the law. Please don't prove them right. They are criminals that have destroyed a lot of lives in the technology sector, and they must be dealt with harshly.

Anything less than a breakup is capitulation.

Sincerely,

David Bryant

P.S. Please don't fall for their P.R. ''innovation'' nonsense. Ask any good programmer.

MTC–00016663

From: Brendan Byrd/SineSwiper
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The current proposed settlement (PS) is flawed. Because of many different legal loopholes in the PS, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. Microsoft has already extended, or tried to extend, their monopoly since the start of the trial, such as:

* Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system)

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

* Imposing highly-restrictive EULAs and license agreements in XP to try to milk as much money as possible from the end user and businesses, which has already forced other governments (such as the UK and China) to consider other options besides MS software

* Using PR stunts to hide the fact that security was never a major concern of any of their products, and never will be (even though recent developments in Windows XP and Internet Explorer have proven this)

* Starting petty lawsuits to snuff out competition, in the hopes of running them out of money (such as the recent Lindows lawsuit)

* Rigging web polls and writing fake letters (from people already long dead and buried) to influence business and DoJ decisions

The government's intentions in the PS are in good faith, but the language puts too much faith in MS's interpretation of it. Dan Kegel has a great analysis of the flaws found in the PS here: http://www.kegel.com/remedy/remedy2.html In short, I feel that it's the DoJ's duty to revamped the PS and/or return to the drawing board, as its current revision is not enough to stop Microsoft's anti-competitive practices.

Brendan Byrd/SineSwiper
<SineSwiper@ResonatorSoft.org>
Web Programmer @ Resonator Software
(www.ResonatorSoft.org)

MTC–00016664

From: Karl Bellve
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

I believe the proposed settlement is wrong. It does nothing to limit Microsoft in the future.

Microsoft must done the following: 1) Make Windows OpenSource 2) No longer include programs such as Explorer as part of the base distribution of windows. 3) If microsoft must include Explorer, then includer competing programs. 4) Microsoft must make Office available to any OS with a large distrubtion including Linux. Released versions of Office must be the same for every OS.

Cheers,

Karl Bellve, Ph.D.
ICQ # 13956200
Biomedical Imaging Group TLCA# 7938
University of Massachusetts
Email: Karl.Bellve@umassmed.edu
Phone: (508) 856–6514
Fax: (508) 856–1840
PGP Public key: finger
kdb@molmed.umassmed.edu

MTC–00016665

From: George Smith
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

To Honorable Judge Kollar-Kotelly,

As a citizen of the United States, and a worker in the computer software industry for over 20 years, I would like to provide you with my comments on the Federal governments proposed settlement with Microsoft. Please, please, call upon God to provide you the wisdom and the courage to arrive at a moral and just decision in this case. With this prayer, I am sure you will not go wrong. In addition, I must tell you my view: it is plainly obvious to anyone that Microsoft is a monopoly, has abused this position to the detriment of the entire world and especially to it's competitors, that the current remedy proposed by Microsoft and the Federal representatives is woefully inadequate, and that since Microsoft has been given much, much must be expected from it. Please consider these comments in your deliberations. God speed.

George B. Smith
gbs@k9have.com

MTC–00016666

From: Rod Smith
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

Hello,

I am writing to express my concern over the proposed settlement in the United States v. Microsoft case. In my opinion, the proposed settlement is an ineffectual ''slap on the wrist'' for a company that has repeatedly demonstrated a lack of respect for both the law and prevailing free market practices.

As I understand it, the proposed settlement places various minor restrictions on how Microsoft may do business, such as requiring that they offer the same terms to all OEMs who license their OS. In last decade's big Microsoft case, however, similar restrictions were imposed on Microsoft, and the company managed to find loopholes to carry on as it had done before. I see no reason why Microsoft would not do the same this time around, ensuring another 5–10 years of its predatory business tactics.

Indeed, I am very concerned about the growing influence of Microsoft in society as a whole. Microsoft has been releasing proprietary products, tools, and services is so many areas that, if even a tiny fraction of them gain the sort of dominance that Windows and Office have in the general computing field, Microsoft will possess an unacceptable amount of power over society at large. Microsoft has proven by its actions (both legal and illegal) that it is not above using (in fact, I would argue, ABUSING) the power it has to increase its profits and crush all competition, without regard to the needs or rights of its customers.

Finally, I believe that Microsoft's dominance of the computer industry not only stifles innovation but is a threat to the security of all information systems. The past year has seen the release of increasingly powerful viruses and worms, such as Code

Red and Nimda. These worms can do significant damage only in what's known as a ''monoculture''—an environment in which a single system dominates the landscape. If Microsoft faced real competition, the security of the Internet would be greatly enhanced, because no one worm or virus could damage more than a few percent of the Internet's computers.

In sum, I believe that the proposed settlement will be ineffectual at correcting Microsoft's behaviors. Microsoft has repeatedly demonstrated a lack of respect for the law, and so the remedy should take much more radical steps to correct Microsoft's past wrongs and ensure that the company doesn't fall into its old behaviors. The states' proposed remedy is better able to meet these goals, but there are also many other proposals from which to choose.

Rod Smith
rodsmith@rodsbooks.com
http://www.rodsbooks.com

MTC–00016667

From: psyfybre@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

The Microsoft Settlement is a bad idea.

MTC–00016668

From: tim.conway@philips.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

It's not right, and I expect you know it.

If most roads were designed to be easily usable by only one make of car, and that manufacturer began to include gasoline with the cars, noone would consider letting him get away with it. For most people, windows is not optional. For instance, even though I have the skills to do without it, i'm forced to use it in my work by my company's choice of applications. It's not better, just unavoidable, and Microsoft has used that position to prevent competition. I can't imagine destroying them, but they should be prevented from cheating in the future. This means actually prevented, not allowed to sign a ''consent decree'', ignore it, and then be forgiven.

Tim Conway
tim.conway@philips.com
303.682.4917
Philips Semiconductor—Longmont TC
1880 Industrial Circle, Suite D
Longmont, CO 80501

MTC–00016669

From: coats@ntrnet.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

Dear Sirs:

It is my considered opinion as a mathematician and computer scientist of long standing (Ph.D., MIT: 1978) that the combination of Microsoft's software design practices and continued aggressively linking monopolies across software disciplines constitutes a serious risk both to the national security and to the economic interests of the United States as a whole.

Microsoft has aggressively pursued a strategy of tying across its entire product line. This is evident not only in its sales practices but also in the behavior of its upgrades: for example, it has been all but impossible for ordinary users to upgrade —any— Microsoft product (whether operating system or office software) without both installing Microsoft's ''Outlook'' email software and also overriding the user's installed email software with ''Outlook''.

This tying across product lines affects both the national economic interest ant the national security because of inherent vulnerabilities in Microsoft's software design practices. This past year has been a bad year for so-called ''worms'' and ''viruses'' damaging information systems and causing denial of service all over the Internet. Network consulting guru Jakob Nielsen (see http://www.useit.com/) estimates this past year's consequent economic damage as in excess of $170 Billion.

I have personally experienced two days of complete network outage due to serious Outlook-worm attacks to backbone provider Verozon (who have not admitted it publically; however, MCNC is responsible for backbone load analysis for the southeast, and the load-signature of these attacks is unmistakeable.)

More than 80% of those attacks are ''Outlook'' specific: they do not affect other email software (such as the previous market-leader ''Eudora'') at all. More than 98% of the attacks are Microsoft specific. The reason for these vulnerabilities is inherent in Microsoft's ''active content'' document design, where documents are no longer simply data to be processed or viewed, but are actually programs (written in ''Visual Basic'' with ''ActiveX'' controls) that can take over the user's computer and compromise it. This makes it easy for Microsoft to provide ''glitz'' but at the expense of using an approach which is inherently insecure. (Of the remaining 2% of network attacks, a large majority are due to other—cross-platform—''active content'' attacks, specifically employing JavaScript and Java!)

Hundreds of billions of dollars in consequent damages to the national information infrastructure mean that it is in the national interest to prevent this kind of cross-system tying. Furthermore, it is in the national security interest to ensure that Federal Interest Computers are not subject to the kinds of attacks that Microsoft has made possible. I think the following remedies are in order:

1. Microsoft must be made to stop the software-level tying between different kinds of software systems. Specifically, there should not be shared content between:

(a) operating systems;
(b) application software;
(c) network server software.

If achieving this means splitting the company along these lines into three separate entities, then so be it.

2. Microsoft software, with its vulnerable cross-system ties, should not be allowed on Federal Interest Computers. Arguably, it should not be allowed on any system networked to a Federal Interest Computer, but that latter is admittedly a rather drastic step.

3. Microsoft's ''patches'' and ''upgrades'' should be required to confine themselves to the ostensible purpose that they have; they should be forbidden to change other software systems on the user's computer without express notice and consent.

4. Microsoft's upgrade practices, in which the upgrade-system silently replaces the user's email software setup with ''Outlook'', has had that effect on current Federal Interest Computers that historically used (for example) ''Eudora'' but have been forced into using ''Outlook''. Arguably, this upgrade-with-change constitutes felonious unauthorized access to a Federal Interest Computer. This felony should be prosecuted aggressively.

Sincerely,
Carlie J. Coats, Jr., Ph.D.
coats@emc.mcnc.org
MCNC-Environmental Modeling Center
phone: (919) 248–9241
North Carolina Supercomputing Center
fax: (919) 248–9245
3021 Cornwallis Road
P.O. Box 12889
Research Triangle Park, N.C. 27709–2889
USA

''My opinions are my own, and I've got *lots* of them!''

MTC–00016670

From: Sam Mertens
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft. Among many other shortcomings, it fails to address the contempt for the legal process shown by the Microsoft Corporation in the past and takes no steps to discourage it in the future.

Sincerely,
Sam Mertens

MTC–00016671

From: Ty Hedrick
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

Dear Sirs,

Summary: The proposed settlement is too favorable to Microsoft, much stronger measures are required to keep the company from abusing its monopoly. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think

that the proposed settlement is strong enough to serve this function.

Sincerely,
Ty Hedrick
Tyson L. Hedrick
ph: (781) 275 1725 x17
Concord Field Station
Harvard University
Old Causeway Road
Bedford, MA 01730

MTC–00016672

From: user@domain.invalid@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement—NO

The proposed Microsoft settlement terms are ridiculous. Microsoft still hasn't even admitted any wrongdoing or made any changes to their behavior, despite the courts finding them guilty of illegal monopolistic activities. The settlement would allow Microsoft to not only continue their illegal behavior, but would reward them with increased visibility and market share by letting them ''donate'' their unsold products to schools, at essentially zero cost to them! Remember, software doesn't cost anything to copy, and any old PCs have already been depreciated to zero. And where are the schools going to purchase software upgrades? The settlement also doesn't require Microsoft to pay any damages to the companies it hurt through its illegal acts.

The whole point of having a court case at all is to make Microsoft stop doing illegal things, not to reward them for it!

Please REJECT this settlement in favor of one that would actually punish Microsoft and make them change their behavior in the future.

Dr. William F. Richardson
495 Wildwood Way
Santa Clara, CA 95054

MTC–00016673

From: Thomas Streeter
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

To whom it may concern:

I am a published scholar on the history and regulation of communication technology.

I am writing to register my objection to the current proposed settlement in the Microsoft case. The Microsoft monopoly—which is a byproduct of network externalities, not the quality of the company's software—stifles innovation, pure and simple; start up companies can not get funded if they will compete with microsoft, innovative progams that conflict with Microsoft policies are marginalized, etc. The current proposed settlement does not get to the cause of the problem nor will it result in any substantial improvement.

There are many different possible remedies, but the current proposal is not one of them. I strongly urge you to reconsider the Justice Department's current stand on the issue.

Thank you for your time and consideration.

Thomas Streeter

MTC–00016674

From: Jeffrey Bridge
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeffrey Bridge

MTC–00016675

From: Evan Coyne Maloney
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

Microsoft will continue to be a monopoly as long as Microsoft Office remains a ''closed'' system. Office is ''closed'' in that its file formats are known only to Microsoft and are not available to the general public.

This is a barrier to entry because everybody uses Microsoft Office currently. The documents get e-mailed around within companies and between companies. Owning Office is required to read these documents fully, so therefore buying Office is a cost of doing business, like buying phones or a fax machine. (Except that you can get phones or a fax machine from multiple vendors.)

Microsoft's stranglehold on businesses in this regard would be reduced if: 1. In the short run, they were forced to publish the file formats and make them freely available. 2. In the long run, they should be forced to give up control of the file formats to a standards body, much like the W3C is a standards body for HTML and XML. Further, Microsoft should be forced to use the recommendations of the standards body as their file format, with fines levied if it is determined that they are ''not fully compatible'' with the standard. (Being partially compatible with HTML is a trick that Microsoft used to beat down Netscape.) They should be enjoined from shipping Office until the file formats are opened up.

This would be a reasonable solution, since Microsoft would retain their assets (Office), but at the same time, other companies could build products that are compatible with Office without having to pay ''the Microsoft tax'' in the form of licensing fees.

Evan Coyne Maloney
evancm@nac,com

MTC–00016676

From: Tom Arons
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I do not believe that the proposed settlement will in any way inhibit Microsoft from behaving in the same anti-competitive, predatory way that they have in the past. Tom Arons Director of Computing Center for Image Processing and Interactive Computing University of California Davis, CA 95616

MTC–00016677

From: rbw@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is nothing more than a sell-out to Microsoft and a betrayal of justice. To refer to the settlement as a remedy is almost laughable, especially as Microsoft continues to strengthen and grow its monopolistic power with Windows XP, Product Activation, Digital Rights Management features, License 6.0, etc. I realize that the will of the people is irrelevant in the face of the political power of Microsoft and its supporters, but I still wish to go on record opposing the alleged settlement with Microsoft.

Thank you.
Robert B. Wamble II
622 G Street
Ramona, CA 92065

MTC–00016678

From: Yanchou Han
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I think the proposed settlement is a very very bad idea!

Best Regards
Yanchou Han
Thanks
Yanchou Han

MTC–00016679

From: Scott
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

This is a vote against the current settlement in the Microsoft case. The current settlement does not reprimand Microsoft for it's past illegal actions and will not stop Microsoft from continuing it's monopolistic practices.

Scott Blichfeldt
618 Palm Bay Ct. #109
Orlando, FL 32825

MTC–00016680

From: hands
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea! It is imperative that Microsoft is not

allowed to continue with its anticompetitive and monopolistic tactics.

MTC–00016681

From: Artur Kedzierski
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I do not agree with the settlement. It does not stimulate competition and is not effective in punishing them.

Artur Kedzierski
US Citizen
Graduate Student in Computer Science
1059 Horseshoe Bend
Walnut, CA 91789–4414
Kedzierski, Artur@cs.ucr.edu
Computer Science Graduate Division
University of California, Riverside

MTC–00016682

From: Cushing Whitney
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As provided for by the Tunney Act, I wish to add to the public record my comments on the Proposed Final Judgment (PFJ) in the cases of US v Microsoft and State of New York ex. rel. v Microsoft.

As an Economist by training (undergraduate and graduate degrees in economics from Carnegie Mellon University and Columbia University respectively) and an IT professional by career choice, It is clear to me that the provisions supplied by the PFJ will not be sufficient to undo the existing distortions in the market for Intel-compatible operating systems and software, not will they spur the competition necessary to induce the market to reverse the distortions itself. Furthermore, the lack of substantive financial penalties undermines the deterrent effect of future anti-trust action in the future against Microsoft or other companies. Therefore, I urge the court to reject the PFJ as not being in the public's best interest.

The key to Microsoft's market power lies in the fact that it has two interlocking monopolies. First is its monopoly in the market for Intel-compatible operating systems. Second is its monopoly in the market for Office-Productivity Applications. Either of these alone represent substantial distortions in the marketplace. Together, they represent an almost irresistible force for the ''lock-in'' of consumers. Given that a large measure of the value in Information Technology comes from the positive network externalities of being able to communicate with other computer users. This communication is only feasible when the disparate systems understand the same ''language'' in addition to being able to just contact each other. The PFJ ignores that fact that while the TCP/IP protocol and the Internet have made it easy for heterogeneous computer systems to contact each other, there are still substantial barriers to the exchange of content-rich communications due to proprietary file formats. Thus, while it is easy for two users of Microsoft Windows and Office to exchange richly-formatted documents, They are unable to have the same sort of exchange with a user of another system due to the closed nature of Microsoft's file format. It is this network effect that provides the power in Microsoft's interlocking monopoly. In order to exchange documents with the majority of other users in the network, one must use Microsoft Office. Because Microsoft Office only runs on Microsoft Windows on Intel-compatible machines (a version is available for machines using Motorola's PowerPC architecture running MacOS), then the user must use Windows as well. Thus, each monopoly supports the other by forcing a user to adopt both in order to receive the benefit of the network effect.

This problem can and should be addressed by two means: enabling file format compatibility and enabling API compatibility. The PFJ does not address the former and ineffectively addresses the latter. By requiring that Microsoft fully and openly document, in a timely fashion, the file structure used by Microsoft Office applications, competitors could create filters in their applications to read and write Microsoft formats effortlessly. Not only would this spur competition in the Office Productivity application market under Microsoft Windows, but this would allow application developers using other Intel-compatible operating systems to create Office Productivity applications on their respective platforms that could inter-operate with Microsoft Office. Having Microsoft Office-compatible applications would give other operating systems the power to compete with Microsoft Windows in terms of providing positive network effects to its users, thus enhancing competition in the Intel-compatible operating system market. Barring the above solution, competition in the operating system market could be enhanced by ensuring that Microsoft Office is available for multiple Intel-compatible operating systems either by requiring that Microsoft produce the suite for additional platforms, or by requiring that they auction off or license the rights to ''port'' Microsoft Office to other platforms. Such a move is less desirable than the compatibility route because, while it enhances competition in the Operating System market, it leaves the market for Office productivity applications untouched and still monopolized.

The issue of API compatibility is addressed by the PFJ by requiring Microsoft to disclose its APIs to interested parties with a number of provisos. It is these conditions that make the disclosure of Microsoft's APIs unlikely to have a significant effect on enhancing competition. First, Microsoft will be allowed to withhold the disclosure to APIs where such disclosures would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' (section 3.J.1). The language in the PFJ is broad enough that Microsoft would be able to shoehorn large portions of the Windows API into the exemption, thus subverting the spirit of the measure. In addition, while the goal of ensuring the security of computer software is laudable, many information security experts agree the open disclosure of security-related APIs generally results in more secure and robust software than does the procedure of ''security through obscurity''. Microsoft would also be allowed to limit to whom they disclose their APIs based on whether the requester meets ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' (section 3.J.2). By allowing Microsoft to choose its competitors based on business model, the PFJ undermines the ability of open-source software developers, the one group that presents a significant competitive challenge to Microsoft, to create software that is competitive but inter-operable with Microsoft products. Such developers are generally either individuals or small groups who are developing such products to suit their own needs, but, in the process of openly releasing their code, provide value to all users. These developers rarely create such software for commercial purposes and those that do tend not to be large operations that would pass Microsoft's scrutiny. To allow Microsoft to exclude such developers based on the fact that they are not producing software as a business would represent a great loss to the ability to enhance competition in the market.

Finally, the lack of financial penalties in the PFJ allows Microsoft to keep all of the ''ill-gotten gains'' of its monopoly position. While it is vitally important to correct market distortions and restore competition going forward, Microsoft should not be allowed to benefit from the past and its illegal monopoly. An approach similar to environmental regulations, where polluters bear the costs of remediating the environment they spoiled, could be employed here. By using monetary fines from Microsoft to create a development fund, the government, or other trustee, could help fund projects that would create freely-available software that would compete and inter-operate with Microsoft products, while forcing Microsoft, in effect, to remediate the business environment that it spoiled. Such a move would not only bring competition into the market, but would provide a large return to society as whole in the availability of high-quality, free software to help in reducing the digital divide.

In summary, the PFJ does not represent a viable means of remedying the illegal actions of Microsoft as determined by Judge Jackson and as unanimously approved by the full Court of Appeals. Based on this, I once again urge the court to reject the PFJ and quickly proceed to a new remedy hearing.

Sincerely,
Cushing Whitney
Information Security Consultant
Hoboken, NJ
917–328–7263

MTC–00016683

From: Chris Chuter
To: Microsoft ATR
Date: 1/23/02 11:49am

Subject: Microsoft Settlement

Dear sirs,

I am a US citizen and I would like to respond to the proposed microsoft settlement. In the aftermath of the Enron debacle, we, as citizens, need our justice department more than ever to protect us from the avarice of big business. It's is clear to me, that this settlement does extremely little. It appears that the Attorney Generals are either scared of Microsoft or unduly influenced by Microsoft's money.

Microsoft has been found guilty of a crime. Now it's time for the punishment phase. Please punish Microsoft. The settlement as it currently stands does more to encourage Microsoft to continue its monopolistic practices than punish. Hopefully, you've received enough letters by now to provide proper analysis and details to prove that this settlement is laughingly weak. I know my words are inadequate. But, Please understand, this is an emphatic,heartfelt plea to do right by your fellow citizens and punish a wrong doer.

Thank for your time and this public forum,

Chris Chuter

4608 Ave H

Austin, TX 78751

''Any sufficiently advanced technology is indistinguishable from magic.'' –Arthur C. Clarke

Chris Chuter

Magic Earth, LLC

cchuter@texas.net

http://www.magic-earth.com/

MTC–00016684

From: Dan Berger
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

After reading and careful consideration of the proposed Microsoft Settlement, I felt the need to stand up and be counted. The proposed settlement has many fatal flaws, each of which alone would be enough to render it ineffective.

Dan Kegel has written a well considered analysis of many of these flaws, which can be found at http://www.kegel.com/remedy/letter.html

Dan Berger [dberger@ix.netcom.com]

http://home.ix.netcom.com/dberger

Inter arma silent leges

''Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.''

Justice Louis Brandeis, dissenting, Olmstead v US (1928) A982 E6B1 CB2F 7A49 843A 9297 DA73 4371 1F54 8D0C

MTC–00016685

From: jeffrey@diddl.firehead.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Roscoe Harris

MTC–00016686

From: Sven Nielsen
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Hi,

I believe that the proposed settlement with Microsoft is a bad idea, because while the courts have found real evidence of monopoly action, all that the proposed settlement will do is slap Microsoft on the wrist while doing nothing to actually change or alter their business practices will allow them to remain a monopoly power, and make it that much more difficult for others to stop Microsoft's monopoly activities in the future. Also remember that the axiom ''any settlement the opponent likes is probably a bad one'' is quite true.

Thank you for allowing me to comment,

–Sven

MTC–00016687

From: Jake Cromley
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I believe that the Proposed Final Judgment is a BAD idea.

I feel that it will in NO WAY remedy the effects of its past unlawful conduct.

MTC–00016688

From: cappmonkey@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

PLEASE PLEASE PLEASE! DO THE RIGHT THING FOR AMERICAN FREEDOM AND COMPETITION DON'T LET THIS CORPORATE GIANT GET AWAY WITH THE TACTICS IT HAS BEEN USING FOR YEARS TO ATTEMPT DOMINATION OF THE COMPUTER MARKET.

I have been experimenting and it is almost IMPOSSIBLE to do business on the internet now without using microsoft in some way. Microsoft is the worst sort of corporate monster, they havent payed any corporate income taxes in years! please dont let them get away with stifling our future!

Capp Maberry

204 w Simpson #3

Eureka CA 95501

MTC–00016689

From:
Scott.Narowetz@bakerbotts.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

To Whom It May Concern:

I believe that the proposed settlement is not in the best interests of the citizens of the US. The courts have declared Microsoft a monopoly and yet even pro-Microsoft industry analysts have considered the DOJ settlement nothing more than a wrist slap. I believe that Microsoft stifles competition.

Scott Narowetz

MTC–00016690

From: Jeffrey Bridge
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jeffrey Bridge

MTC–00016691

From: John McCain
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I oppose the proposed Microsoft settlement. I do not believe the settlement does anything to impede Microsoft's ability

to maintain its monopoly, and in fact that it will help to further it. It is my desire that the issue be decided in court and that an appropriate penalty for Microsoft's monopolistic business practices be rendered. Furthermore, I am hopeful that a judgment against Microsoft will contain sufficient punitive measures to dissuade other like minded individuals and organizations from engaging in the kind of illegal activity Microsoft has perpetrated.

MTC–00016692

From: Daniel Boyd
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I am a resident of the state of New York, and I work as a computer system administrator at the State University of New York at Buffalo. I am writing to you as a private citizen; the University does not review or endorse this e-mail.

I believe the proposed settlement to the Microsoft antitrust case does not usefully lower the applications barrier to entry. It should require the disclosure of file formats; it should require the disclosure of network protocols; and it should forbid Microsoft from prohibiting reverse engineering in license agreements.

DISCLOSURE OF PROPRIETARY FILE FORMATS

Proprietary file formats, such as the Microsoft Word .DOC format, or the Excel .XLS format, form a powerful part of the Applications Barrier to Entry. Since their documentation is only available from Microsoft under Non-Disclosure Agreements, it is not possible for third parties to write software to reliably interoperate with Word or Excel.

You can try to write a program that will edit a .DOC file—and many people have—but unless you're working from the Microsoft documentation on the precise format of the file, you must determine the file format through the difficult process of reverse engineering. Microsoft should be required to disclose the file formats for its products, especially Microsoft Office. Such disclosure should be required seven months in advance of the release of any product which relies on such a format.

DISCLOSURE OF NETWORK PROTOCOLS

It is not currently possible for another manufacturer to compete directly with the Microsoft Outlook e-mail client product, nor with the Microsoft Exchange e-mail server product, because the protocol by which the Outlook client communicates with the Exchange server is not disclosed.

Were the protocol disclosed, it would be possible to write alternate client implementations for use with the Exchange server; and it would be possible to write alternate server implementations for use with the Outlook client.

Microsoft should be required to disclose the file formats for its products, especially Microsoft Exchange and Microsoft Outlook. Such disclosure should be required seven months in advance of the release of any product which relies on such a protocol.

PROHIBITION OF REVERSE ENGINEERING

As the Microsoft Windows product has been shown to have a monopoly share of the market for desktop operating systems, it forms such a large part of the competitive environment for any other product as to be like a force of nature. For meaningful competition to exist, it must be possible for other entities to discover as much information about Windows as is necessary for them to write a competing product; Microsoft prohibits such discovery through the use of clauses in license agreements forbidding reverse engineering.

Microsoft should be enjoined from prohibiting reverse engineering of its Operating Systems, Middleware, and Office Automation products.

Thank you for your attention to this comment.

Sincerely,
Daniel F. Boyd

MTC–00016693

From: Asch
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To whom it may concern . . .

I just want to voice my opposition to the (current) proposed settlement in the Microsoft Anti.trust case.

As the settlement stands, it will only stop Microsoft from continuing to abuse its power without doing anything to correct or punish its past actions. Microsoft has already benefited from their illegal acts and this settlement does nothing about that.

While I'm sure the Court wants to reach a settlement quickly, that is no reason to rush into a settlement that does not adequately address the problems and fails to provide a decent solution. Thank you for your time.

Garth Rademaker
1320 N. Veitch St. #1532
Arlington, VA 22201

MTC–00016694

From: Randall Hansen
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

As a computer professional with over 10 years of experience, I would like to comment on the Proposed Final Judgment in United States v. Microsoft. To be frank, I view the Proposed Final Judgment as a gigantic loophole, ripe and ready to be abused by Microsoft. I'll raise one specific objection: Section III.A.2 (''Prohibited Conduct'') prohibits Microsoft from retaliating against an OEM for shipping a computer with Windows and a non-Microsoft operating system. This section does not, however, prohibit Microsoft from retaliating against an OEM who ships a computer without a Microsoft operating system at all.

This is exactly the kind of loophole that Microsoft has exploited in the past and will continue to exploit. If, for instance, Dell shipped a Linux-only computer, Microsoft would be free (under this provision) to retaliate in any way it saw fit. In the regular course of business this behavior is expected; from a predatory monopoly this behavior is illegal.

I urge you to review this settlement with a more critical eye.

Thank you,
Randall Hansen

MTC–00016695

From: Ben Hines
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

I disagree vehemently with the proposed MS settlement. Microsoft lost the case—they were declared a monopolist. Thus, it is time for Punishment, not further ''restrictions'' or ''time periods'' that they have to behave ''or else''.

–Ben
http://homepage.mac.com/bhines/

MTC–00016696

From: Josh Arnold
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Joshua Arnold

MTC–00016697

From: MICHAEL WASSIL
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

The case against Microsoft should not end without a remedy that restores competition. The current settlement will not accomplish this. Nine states, and the District of Columbia have asked the federal court to order remedies that will restore competition in the PC operating system market and curb Microsoft's unlawful practices. I support their petition and ask that the current settlement be set aside.

Sincerely, Michael Wassil

MTC–00016698

From: Lounsberry, David
To: Microsoft ATR

Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
David B. Lounsberry

MTC–00016699

From: Chris Nash
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

To whom it may concern:

I am a software developer. I must use Microsoft's SDKs and development products on a daily basis. I have watched over the past 4 years as Microsoft furthered its monopolies within the software industry. I think that the proposed settlement is a bad idea as it provides little or no protection from future monopolistic practices by Microsoft. Microsoft has demonstrated, in past, present and projected future actions, that it has little or no regard for the laws and penalties that make up our legal system. This proposed settlement defines its terms so narrowly that future products will easily find loopholes. Even if they don't, Microsoft still enforces its monopoly and strangles competition while the judicial processes drag on for years. Allowing this settlement to go through would undermine our nation's judicial system, making it apparant to the American people that justice is for sale.

This cannot be allowed to happen.

Christopher Nash
Applications Developer
TDC Solutions, Inc.

MTC–00016700

From: Jim Kaufman
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsfot Settlement

My current understanding of the proposed settlement is that it doesn't go far enough. Microsoft has done more than be a successful company. They have crushed competitors using secret clauses in contracts with their OEMs. For example, they forbid system manufacturers from providing alternative operating systems.

They adopt open standards that are essential for wide use of the Internet, and then they co-opt them, changing them so they are no longer standards, but are Microsoft-specific.

They include an Internet browser that uses proprietary extensions. What user is really going to spend the time to download an alternative browser that is 15MB in size to replace a functioning Internet Explorer?

The problem is that those of use who use alternate browsers find that we are getting locked out of more and more Internet sites because the site developers chose to use a Microsoft enhancement, ie a non-standard function.

The settlement as currently conceived is a bad idea.

Jim Kaufmanmailto:jmk@kaufman.eden-prairie.mn.us

Linux Consultant, CCNAcell: 612–481–9778

public key 0x6D802619fax: 952–937–9832

MTC–00016701

From: Whit Blauvelt
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

The proposed settlement is insufficient remedy for the wrongs committed, and in progress, by the Microsoft monopoly.

Sincerely,
Whit Blauvelt
Transpect
Brooklyn, NY

MTC–00016702

From: herb@aoainc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement
To: The United States Department of Justice
Re: The Microsoft Settlement Greetings,

As a software professional, it has been with a profound sense of relief that I have watched the U.S. Government discover what we in the computer business have known for years: Microsoft is an illegal monopoly with the power to destroy competitors at a whim. While the proposed settlement shows a broad understanding of the problem, I believe that it does not go far enough to protect consumers, and nowhere near far enough to ensure that developers can produce products which can reasonably expect to succeed on their own merits without encountering legal entanglements. In particular, consider the following points:

Microsoft holds a VERY large number of patents, but they have not been compelled to reveal what patents protect the Windows Application Programming Interfaces (APIs). Without this knowledge, programmers such as myself can create what we believe are original and innovative applications, only to have Microsoft pull out an obscure patent and crush our honest efforts.

The proposed settlement requires Microsoft to release the specifications for its APIs, but then prohibits developers from using this information to give other operating systems the ability run Windows applications and give us all a choice!

Microsoft uses restrictive licensing terms and intentional incompatibilities to reduce or eliminate the ability of developers to produce compatible applications for both Windows and operating systems which could otherwise be made compatible with the large number of existing Windows applications.

The settlement with Microsoft is an historic opportunity to free computer users and developers around the world from the shackles that Microsoft has spent millions of dollars of monopoly profits fitting us with. Please give the settlement the power to make a difference, and speak to the future of computing, which could be very bright indeed.

Sincerely,
Herb DaSilva
Senior Software Engineer
Adaptive Optics Associates
Cambridge, Massachusetts

MTC–00016703

From: Ted Kisner
To: Microsoft ATR
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

To whom it may concern,

I believe Microsoft should be punished to the full extent of the law (don't settle!) for its blatant monopolistic tactics.

My name is Theodore Kisner, and I am an experimental physicist at the University of California, Santa Barbara.

Every day I encounter problems and setbacks that are a direct result of the monopolistic stranglehold that Microsoft has on the entire computing world.

These problems range from hardware that only comes with ''Windows'' drivers (I use Linux for everything). To specialized software that only runs on Windows. (Software companies have no reason to make a version that runs on any other operating system, because Microsoft is so dominant).

The only partial competition Microsoft has (and only in the server market) is from Linux. If the only way an operating system can compete with Windows is if it's FREE, then that's a good indication of a monopoly! If Microsoft is continually allowed to get away with Murder, the big losers will be the citizens of the this (supposedly) free country. Right now the only freedom I have is the freedom to buy more Microsoft products...

Thank you for your time,
-Theodore Kisner

MTC–00016704

From: jrock@mail2go.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

Dear Sir or Madam,

I do not expect that this letter I write to you will make any difference. I have absolutely no faith in the ability or determination of the courts to deal with the Microsoft Corporation. In countries around the world this court battle has made the U.S. justice

system a joke in professional computing and business circles. For 4 long years courts have decided again and again that Microsoft is guilty and then nothing has happened. The only remedy that I can see being effective for dealing with Microsoft is a legally enforced adherence to open standards for all API's, transfer protocols, file formats, and any other interaction with other software. Anything less will not suffice and will result in another 4 years of lousy, insecure, buggy, and overly expensive software all supplied by the only company you can purchase from if you wish to do business in the computing world today.

I do not expect that this letter I write to you will make any difference, however, because I believe that Microsoft has already bribed and bullied the U.S. courts into submission. It is the only explanation I can see that explains why no one has stopped their ridiculously uncompetetive business practices.

Sincerely,
-Joseph Rock

MTC–00016705

From: William Bishop
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

Please reconsider the settlement; there are many loopholes that allow MS to continue their predatory practices.

One simple example: Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. and Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these types of practices, MS is being encouraged to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

MS has destroyed many good small businesses with their practices. Please help American small business!

Thank you,
William R. Bishop

MTC–00016706

From: Chris Hamilton
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

This settlement is weak and slanted towards Microsoft. Recent events have shown that even if corporations have heavy political influence, for the good of the US they must be kept in check. I don't think that Microsoft should be broken up, but I do think that they should pay 10s of billions (their cash assets) back to the US and open source Internet Explorer(IE) using a BSD(see www.opensource.org) like license. Removing IE from Windows now would mean that Microsoft can just push it back on compliant windows versions by letting/making the user install it with their windows update system.

The only way to rectify the incompatiblity and market share Microsoft has caused with its browser is to make it open to all other operating systems to use and restrict how Microsoft can alter it. Forcing Microsoft to release IE and all future changes using a BSD style license can correct most of these problems.

Thank you,
Chris Hamilton—Ohio

MTC–00016707

From: Stafford A. Rau
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case is a bad idea. It will do absolutely nothing to prevent Microsoft from further abusing its monopoly position in the computer software market, and will not prevent Microsoft from gaining and abusing a monopoly position in the numerous new markets that it is targeting.

Thank you for hearing my comments on this very important case.

Sincerely,
Stafford A. Rau
5506 SW 50th Ave
Portland, OR 97221

MTC–00016708

From: bios@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To whom it may concern,

Greetings. Let me start by stating I feel that Microsoft should be penalized as heavily as possible within the present antitrust proceedings as possible. I feel that the company has shown time and again a lack of respect for both the judicial branch of the american government, and the security/computing needs of its user base.

I am a techinally oriented individual, but I will attempt to keep this email as readable as possible. Over the years I have watched Microsoft take defined and accepted internet standards and craft them to their own ends, to the extent that similar applications using the standard are unable to communicate with the Microsoft application. While this in and of itself is not per se bad, it is when they then begin introducing new applications with this problem and start to push entire product lines out, making it impossible for third party vendors to tie their applications into the given application. This is what creates their monopoly. I dont think that they should be forced to stop creating their software, or even making use of thier closed proprietary protocols and standards, but they should be forced to open communications which define a standard interface to those applications.

I see that the present agreement does call for this, but in such a narrow scope as to be irrelevant. With a few minor changes to the way they do things, and the present settlement does nothing to constrain their disrespectful attitude. If anything I believe that the settlement should be unnecessarily broad as opposed to uselessly narrow.

I mean no disrespect to the Justice Department. The individuals within your orginization do and know things in regards to the laws which I will never have the time to inclination to understand. But by the same note, there are many individuals in this country and abroad, which know about computers and network communications which the Justice Department individuals have neither the inclination or time to learn about. It is these individuals the Justice Dept. should listen to.

It is very easy for a multi billion dollar corporation to ''persuade'' people and corporations to state in microsoft's favor. While each email like my own is a statement from the peoples of the Tech/IT industry, which no deeper political motivation than simply requesting a fair and even judgement, with appropriate penalties for unacceptable behavior in our industry. We work day in and day out with software produced from this software giant, and must constantly deal with its short commings. If this settlement could be more than a simple slap on the wrist, and a truely enforceable strict judgement, then the software industry and the technical industry in general could and more than likely would see a huge turnaround and improvement. Imagine if Microsoft were forced to have its code reviewed prior to releaseing it out to its customer base. Instead of getting a new and improved version ''Windows <place next generation here>'' with numerous security issues to be found and exploited by malicious users, you could have the same version a few weeks/months later with possibly more robust and secure features. You then wouldnt have ISPs going bankrupt due to Distributed denial of Service attacks by malicious user who spent 30–45 minutes looking for something fun to do. <see http://www.ispreview.co.uk> (Granted the ISP in question was located abroad, but the fact remains that the ISP was shut down, and unable to continue business. I would shudder to see this happen within the US itself, where the economy is hurting as bad as it is right now.)

I am aware that Microsoft has not been found guilty of being a monopoly, and while I do not agree with that fact, no software comapny should be able to basically flip the justice dept. the proverbial bird and be able to just shrug it off. This is probably a major turning point within the tech industry, and should be treated with the utmost scrutiny. If we allow them to simply stomp on the ruling now, drag their feet with complying with the terms for a given period, and pick up at full swing at the far end, then what was the point in the first place of raising the issue?

Please do not allow money to overrule justice in this case.

Sincerly,
Eric Concepcion
Eric M. Concepcion
Adelphia IPDCOPS (Unix Dept.)
http://www.adelphia.net
Email: bios@adelphia.net
Phone: (814) 274–1399
A+ Certified Technician
Sun Certified Solaris 2.6 System Admin

MTC–00016709

From: Larry Brinley

To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

Ladies/Gents:

The proposed settlement with Microsoft in this current anti-trust case is, to be brief, aggriegiously inadequate. These inadequacies include, but are not limited to the following:

1. The definintions of ''technical'' terms, such as Application Programming Interface (API), Microsoft Middleware, Windows, et. al., are so narrowly targeted that they permit Microsoft's circumvention of the spirit of the proposed settlement at Microsoft's sole discretion. Microsoft must not be allowed to determine what does and does not fall within the scope of the settlement. The continued anti-competitive behavior of Microsoft after the watered-down 1994 Consent Decree is evidence of this fact (see 2. below).

2. The proposed settlement does not address current anti-competitve practices the Microsoft (MS) employs, let alone future practices that they may devise. For example, the enterprise license agreement that MS currently uses for its MS Office applications and operating systems bases pricing for the licenses on the number of computers that could run an MS operating system, rather than the number that actually do run an MS operating system. This practice when used against Own Equipment Manufacturers (OEMs) was specifically prohibited by the 1994 Consent Decree. This pattern of behavior clearly indicates that MS will abide only by the letter of the settlement, while continuing its efforts to quash free competition in contravention of the spirit of the settlement.

3. The question of enforcement of the proposed settlement is completely open-ended. Although the settlement calls for the creation of a ''Technical Committee'' with investigative powers, I see no provision for enforcement actions of any kind that the ''Technical Committee'' may take. Remember, Microsoft is guilty of violation of the Tunney Act already as a matter of law. They've already had benefit of due process and have lost the right to the presumption of innocence in this matter. The consumer should not have to wait for independent findings of fact from the courts to address ongoing misconduct. When MS chooses to violate the settlement—and, as history indicates, they certainly WILL choose to do so—the ''Technical Committee'' should be able to impose severe and immediate fines or other penalties with impunity. Place the fines in escrow and let them accrue interest until such time as Microsoft can substantiate its innocence to a court of law. Further, all costs of enforcement should be born by Microsoft. They broke the law; we should not have to pay a cent to keep them honest in the future.

That's my $.02. Please put some teeth in the settlement this time. Of course, you could always wait for the next heinous anti-competitive act from Microsoft. My bet is with the way the .NET innitiative is shaping up, none of us will have to wait long.

Sincerely,
Lawrence M. Brinley
SOHO Solutions, Inc.

MTC–00016710

From: Jeremiah Jahn
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

No to Microsoft

I do not believe that the Microsoft Settlement is in the best interest of the citizens of the United States. The settlement is unnecessary, the findings of fact which were upheld support that Microsoft is a monopoly. Why then is a settlement necessary? I find it more and more difficult every day to stand behind the decisions of my country, because of the influence of corporations. Don't let this be another nail in the coffin of democracy.

A corporation is not a citizen. Its decisions do not reflect the needs of the American. They are based on the declared desire to maximize profits. Corporations do not represent citizens. Only a citizen can represent his or her self. Corporations do not reflect the interests of citizens. A citizen declares his interests by casting his or her single vote. If a citizen stands to lose money because of harm done to Microsoft, then he or she needs to call his or representative or send and email to you. It is not a corporation's right to do that for them.

I don't know what the perfect solution to all of this is. I do have a few suggestions though. I believe that Microsoft should be forced to open and keep open all of its file formats and protocols, both internal and external, so that their services and files can be used by competing software. This would give people a huge choice and not affect Microsoft adversely. Second, distribution of Microsoft's software should not be considered part of a solution, but only furthering the problem by expanding their monopoly. Finally, if a fine is issued then it should be substantial enough to put them on a level playing field with their competitors.

Jeremiah E. Jahn
3624 Hwy 51
Makanda, IL 62958

Fascism should more appropriately be called Corporatism because it is a merger of State and corporate power. —Benito Mussolini

MTC–00016711

From: Daniel W. Headington
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft

Good Day. I do not have time to read or understand all the legal language in the files, but from what I understand and have been told about the case there will be no easy answer. The biggest question I have is what happen to the American Dream of being able to create something and have the sole rights to that product for a number of years if they wish. Microsoft has done some things wrong like making hardware companies only offer there product on there machines. I think that has been conceded. The part I don't like is the thought of tearing apart the most advanced and aggressive software company in the world. We have kids and ''sick'' individuals out there trying to tap into different systems and destroy or steal peoples information. We need to keep a company like Microsoft running at peak performance to help seal up these loopholes. I as a consumer do not mind paying for a superior product. The old saying usually holds true, ''you get what you pay for''. When I forget that I usually find out the hard way. In the case of Microsoft they are offering a superior product for a pretty pricey fee when bought individually. Microsoft has so many different areas that it is hard to point them all out. The main areas that I use is the operating system and office software. I have used the competition for the office software and they are still trying to catch up and are cheaper, but personally I would spend the money for the better product.

My only solution to offer is to fine them for their faults like the monopoly with the hardware manufacturers and monitor them so it will not happen again in the future. For the other areas of software like the internet software, if a company can offer it for free how is that bad for consumers. If you look at any other industry there are always options that companies offer for free to intice people to use their product. My only thing would be to set pricing controls on Microsoft explaining that if they offer it now for nothing and the competition does fall out then the software still will remain the same and only able to increase by the standard of inflation for that time period.

I will not feel sorry for the AOL of the world because you look how they got what they have and they did not invent or master their product line, they bought their way into the businesses. They have a monopoly on the cable industry along with there so called competitors but no one has pushed the envelope there. YOU ALSO HAVE TO REMEMBER THAT THE COMPUTER AND INTERNET ARE OPTIONS TO THE CONSUMER AND THE INTERNET WAS INTENDED TO BE FREE, BUT TAKE A SERIOUS LOOK AT WHO REALLY IS TRYING TO CASH IN ON THE TECHNOLOGY WAVE. MICROSOFT WAS A STANDARD LONG BEFORE THIS CRAZE STARTED. AOL IS STILL TRYING TO BUY OR LOBBY THERE WAY IN.

Daniel W. Headington
First National Bank of Platteville
3525 Percival Street
Hazel Green, WI 53811
(608) 854–2090

MTC–00016712

From: perk@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: microsoft settlement

I strongly believe ANY settlement with Micro$oft is a bad idea, for the future of the computing environment—and for personal liberty.

Christopher Perkins
Maine Linux Users Group
Disabled Vietnam Combat Veteran

MTC–00016713

From: Matthew Bogosian
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my disapproval of the proposed Microsoft Settlement. I would like to refer to Dan Kegel's comments as reflective

of my own views: http://www.kegel.com/remedy/letter.html

The proposed settlement does not go nearly far enough to prevent Microsoft from using their monopolistic position to maliciously and without merit destroy competitive products/companies/industries/etc.

Thank you for your time.

Matthew T. Bogosian

matt@bogosian.net mail.

http://www.bogosian.net/~matt/

Key fingerprint = b5aa6447 e4c2942c 5f06f6ed 249247f3 2417bf82

Please send encrypted

PGP Public Key available upon request.

Walk softly and carry a megawatt laser.

MTC–00016714

From: maczilla
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

To Whom It May Concern:

This email is being written in accordance of the Tunney Act. I am a 35 year-old US citizen residing in Northern Virginia. I have been involved in the computing field since 1980.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I also feel that the current settlement would end up giving Microsoft yet another monopoly; this time over the computing environment used by public school systems.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous and continuing actions. There are no provisions that correct, redress or punish their previous abuses. They only prohibit the future repetition of a few specific abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit some of those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. I find many areas of the settlement highly disturbing:

1. It does not take into account Windows-compatible competing operating systems

2. It does not take into account intentional incompatibilities with well-known APIs (eg, kerebos authentication).

3. The settlement too narrowly defines what an API is, de-fanging the portion of the settlement that supposedly makes Microsoft publish it's APIs.

4. The settlement too narrowly defines what the Windows OS is. Various versions of XP, CE/Pocket PC and even the Xbox are not covered by the settlement's definition. It is likely that Microsoft would work it's way around the definition in ALL future operating systems.

5. The settlement does not force Microsoft to open the file formats used by Office software (such as Word, Excel, etc).

6. The settlement does not go into prevention of future abuse via services, such as .Net.

7. My largest concern with the settlement is that, through noble-sounding intentions, it effectively gives Microsoft total control over the education market (one of the few they do no dominate at this time).

In my opinion, what any settlement needs to do is:

1. Force Microsoft to open all APIs, with a clear and broad-reaching definition of what is an API.

2. Force Microsoft to stop any ''extend and extinguish'' extensions to well-known standards.

3. Have the settlement apply to any and all Microsoft products and services.

4. Force Microsoft to open any and all file formats for current and future products.

5. Force Microsoft to open and document any and all interfaces to present and future service-type offerings (such as .Net, PassPort, MSN Messenger).

6. Force Microsoft to publish all these APIs, formats, interfaces, et al with a NON-RESTRICTIVE license. Many of Microsoft's current licenses forbid the use of GPL'd libraries, code, etc. These licensing terms must be stopped.

In conclusion; I feel that the settlement, as written, will do nothing to stop Microsoft from continuing the practices that this suit was instigated by and in many ways would have the opposite effect. The settlement allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted in the current form.

Sincerely,

Jeff Barger

Systems Administrator/Engineer

Maczilla Heavy Industries

Mason's Neck Virginia

MTC–00016715

From: ejones@bu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The proposed settlement does little to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only seek to provide vague assurances against future repetition of those abuses.

Microsoft has continued to flout previous consent decrees and refuses to recognize the court's findings of fact.

Sincerely,

–Eric Jones

Eric Jones Sr. Systems and Applications Programmer

Boston University

Office of Information Technology

Scientific Computing & Visualization

ejones@bu.edu

Office: (617) 358–0030

FAX: (617) 353–6260

MTC–00016716

From: Matthew Davidson
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

The Proposed Final Judgement (PFJ) as currently worded is insufficient, and contains too many loopholes to adequately prevent Microsoft from abusing its monopoly position. It contains misleading and narrow definitions, does not address anticompetitive license schemes currently used by Microsoft, and fails to fully prevent Microsoft from punishing OEM's.

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered, and may not even include the next Windows version. Or how about this for a Catch-22? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. It also requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows, and to prevent Windows apps from running on other Operating Systems. Furtermore, the PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. It also allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

Considering these problems, the Proposed Final Judegement as it currently stands is clearly not in the general interest. It should not be adopted without addressing these issues.

Sincerely,

Matthew Davidson

MTC–00016717

From: Jeff Benjamin
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

To whom it may concern,

RE: The relief is not significant.

I have been a software developer for 11+ years, and I have watched since 1993 as the Justice Department did its probe that culminated in a proposed final judgmeent. This judgment finds that Microsoft did commit wrongdoings, and states that it will provide prompt, certain and effective remedy

for their violations. I personally have benefitted greatly by selling services on top of Microsoft products, so it is with much grace that I state: I do not believe for a second that the relief provided by this judgment is certain or effective, simply because it is outdated.

Microsoft will comply with the relief without much pain. They are so far down the technology highway that a majority of the relief points are insignificant, or no punishment at all for their wrongdoings. In fact, the worst punishment mentioned are the points that require Microsoft to disclose communications protocols and technical interfaces. Even these points are easily circumvented by ''creative packaging'', especially with Microsoft's new ''software as a service'' concept. The only interfaces they will be disclosing is the HTTP or SOAP protocols, as that is sufficient to invoke a service residing on Microsoft servers. If they were monopolizing and creating lock-in scenarios before, just watch them this next decade.

I would urge the court to reconsider the punishment in this case and weigh it against the damage Microsoft has done in the last decade. Many companies have fallen due to their unethical practices, and I trust that you will find the punishment is not on par with the violations. The punishment is based on old technology, and at current technology levels the punishment is worth far less in penalty value than it was when the wrongdoings were committed.

I would also add that, in my opinion, Microsoft treats its products as ''products'' in the marketplace, but treats them as ''intellectual property'' or ''services'' in the legal arena. Perhaps a review of this treatment from a product law perspective would be refreshing. I for one believe it would solve the problem of technology's pace reducing the penalty value of any punishment that is prescribed, but then again, I'm not a lawyer.

Sincerely,
Jeff Benjamin, Sr. Technical Architect
Ivertex Internet Solutions, Inc.
phone: 602–717–1890
email: jbenjamin@ivertex.com

MTC–00016718

From: Russ Poldrack
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing under the auspices of the Tunney Act in opposition to the proposed settlement of the US vs. Microsoft case. My vantange point is as a biomedical researcher who has for years been a user of Apple Macintosh computer systems, and more recently as a user of Linux and other open-source software. I am strongly opposed to the features of the proposed settlement that would allow Microsoft to continue to withhold crucial technical information. This technical information (such as file formats and API's) is important to allow the unfettered development of third-party software that can interoperate with Microsoft products, which is essential for the survival of non-Microsoft products given the predominance of Microsoft in the marketplace. I am also very worried that the lack of significant penalties to Microsoft for their past anticompetitive practices. I have seen these practices in action firsthand as both an Apple users and more recently as a Linux user, and I can personally attest to the degree to which they have handicapped these competitive operating systems. I hope that a revised settlement will address these important issues.

Sincerely,
Russell A. Poldrack, Ph. D. Assistant Professor of Radiology, Harvard Medical School
MGH-NMR Center
Building 149, 13th St.
Charlestown, MA 02129
Phone: 617–726–4060
FAX: 617–726–7422
Email: poldrack@nmr.mgh.harvard.edu
Web Page: http://www.poldracklab.org
CC:poldrack@nmr.mgh.harvard.edu@inetgw

MTC–00016719

From: Kurt Sellner
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

I am opposed to any judgment in United States v. Microsoft that allows Microsoft to restrict the ability for computer resellers to include any operating system they choose with any computer they sell, including the option to sell a computer without an OS installed. The price paid for the installation of Windows (or any operating system) should be known to the computer purchaser and be able to have the price paid refunded if the installed OS is not used or wanted.

Microsoft currently restricts what computer makers may install on their systems before shipping them to the customer. This prevents the computer makers from differentiating their computers from the competition's, restricting them from including any value added software, offering dual boot systems, or removing any undesired Microsoft software. Any judgment should address this fact.

Kurt Sellner

MTC–00016720

From: strattonp@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

Microsoft is getting off way to easy. They destroyed competition in the internet browser and e-mail client markets. Now they are going after the streaming media and music software markets, and web publishing. Don't let them add any new ''features'' that crush competition.

thx—Stratton Penberthy

MTC–00016721

From: Alfred Hartzler
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the Microsoft antitrust case is VERY bad because it permits Microsoft to continue using its monopoly power to prevent users like me from getting efficient and secure computer application software. James Hartzler 1250 S. Washington St. #203 Alexandria, VA 22314

MTC–00016722

From: Armstrong, Jason
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Armstrong
Network Systems Engineer
Technica Corporation
Cell: 703–868–2676
jarmstrong@technicacorp.com
Global Crossing
Desk: 602–357–6248
jason.armstrong@globalcrossing.com

MTC–00016723

From: A.J. Tolland
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement in the Microsoft antitrust case. This settlement does not do enough to force Microsoft to cease its anticompetitive behavior.

sincerely,
A.J. Tolland
911 E. 56th St. #3
Chicago, IL 60637

MTC–00016724

From: joel grimes
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

I wish to express my reservations about the proposed settlement. I am firmly convinced that Microsoft have trampled on my rights and the rights of all consumers and they have no intention to change.

The prosposed settlement does not punish Microsoft for the considerable wrongs they have committed, and does not do enough to prevent them from similar behaviors in the future. Microsoft has stifled competition. To redress this, the settlement must proactively foster competition. It must tip the scales farther away from Microsoft's favor. In its current form the settlement, combined with the reality of Microsoft's monopoly position, is so ineffective that the needle barely budges.

My primary objection is that Microsoft is not punished. It is only given weak behavior restrictions, and only for a very short period of time. Microsoft should be fined very heavily. The unlawful gains they have made at the expense of consumers should be confiscated. They should not be allowed to enjoy the fruits of their illegal activities. Also, Microsoft should not be permitted to select the compliance officer or any member of the technical committee.

Where is the punishment? Where is the penalty for non-compliance? Microsoft quite happily found ways to continue their abusive behavior after their last settlement so it is a virtual certainty that they will do so again. The only penalty stated in the agreement is a possible 2 year extention of the settlement! This is maddeningly innefectual. The settlement should specify severe punishment for any infraction. Make no mistake, Microsoft would be very pleased with this settlement. It leaves them most of their power and all of their money.

Thank you for your time.

Joel Edward Grimes

MTC–00016725

From: Mase Warner
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software or the Internet browser market and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers. Until a reasonable competitive market place has been achieved the government has not done justice to its constituents.

Mason Warner
Foster City, CA 94404

MTC–00016726

From: Tom Witmer
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

My comments about the Microsoft settlement:

The proposed settlement does not appear to prevent any of the discovered problems from being prevented in the future. Also, the fuzzy definitions of so many terms render it essentially meaningless. Almost every restriction on Microsoft has an ''out'' that lets Microsoft evade the terms by simply claiming they needed to do whatever they wanted to do out of ''security''.

As anyone who is familiar with Microsoft's handling of viruses alone over the last few years, Microsoft does not, and never has, cared about security of the consumer.

Further, as one who's been in many disputes over the meaning of well-written and clear software requirements, it's obvious that this poorly worded one will never render satisfaction to either side.

Worst of all, the enforcement provisions are essentially meaningless. Microsoft has repeatedly failed to govern its own behavior in the past. What has changed that provides an impression that Microsoft is suddenly capable of doing this ethically?

–Tom Witmer
Software Developer, Evolving Systems, Inc.
Englewood, Colorado

MTC–00016727

From: Mark Merten
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To the Department of Justice,

I feel it is necessary to voice my strong opposition to the Proposed Final Judgement in the United Status vs.. Microsoft Anti-trust case. I have spent some time reading the judgment and reading some opinions on the judgment. Many issues are debated, but the issue I find most concerning is the lack of enforcement setup in the Proposed Final Judgement. I was unable to find any particular methods of enforcement or how an organization is going to verify that Microsoft is following all the rules setup by the Proposed Final Judgment.

I have worked in the computer industry for 10 years. My first job was doing phone support for a value add reseller, that sold Microsoft products. Over the course of my employment I had opportunity to communicate with several Microsoft support engineers. I heard one story that is a good example of Microsoft's blatant misuse of power. A support engineer once boasted to me how Microsoft specifically, incorrectly documenting windows 3.1 memory usage, such that 3rd party vendor products would crash windows 3.1 while attempting to use certain memory locations. Microsoft would document such areas available, and still use the memory locations, thus causing 3rd party vendors to struggle to release stable software for windows 3.1.

Overall, I feel the Proposed Final Judgment is far to inadequate, and stronger measures need to be taken to correct the unfair practices Microsoft has been implementing over the years. Thank you for your time. I hope the courts ruling will be fair and just.

Mark Merten

MTC–00016728

From: Partha Narasimhan
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The current proposed settlement is full of loopholes that give Microsoft enough room to continue operating the way they have been all these years. Except it will now give them the aura of 'legal legitimacy'. Anyone that understands Microsoft's practices, and its effect on the software/computer industry, knows that this is more harmful for the entire industry. Given that the nation's economy is increasingly dependent on the tech industry, this has the potential to impact our economy adversely.

I request the DOJ to re-negotiate the terms of the settlement with terms that will truly help the tech industry and the economy.

Thanks,
Partha Narasimhan

MTC–00016729

From: System Administrator
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

I believe that the Microsoft settlement was improperly crafted and has several large issues either handled poorly or not at all. Since most of these issues have been commented on by other people. I will not list them here. However sites such as http://www.kegel.com/remedy/letter.html do a good job of listing the major issues. I believe this settlement to be totally unacceptable and is just lip service to addressing the improper conduct and monopoly Microsoft carries on. Another settlement needs to be drafted, addressing the shortcomings of this settlement and other facets of this case that were not addressed.

Sincerely,
Terry Melton
Terry Melton
Junior Network Administrator
Engineering Information
Elsevier Science
1 Castle Point Terrace
Hoboken, NJ 07030
Telephone: (800) 221–1044 x680
Mobile: (917) 443–0123
t.melton@ei.org

MTC–00016730

From: Marc Levine
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

Dear Sirs,

I am writing to protest about the proposed Microsoft settlement. It is toothless and ill-conceived, apparently written by Microsoft lawyers, and does little to punish Microsoft for past illegal behavior or proscribe future illegal behavior. Indeed, Microsoft is proceeding to do business as they always have, clearly showing no remorse or desire to change its ways. If this settlement is approved, Microsoft will continue to pursue its illegal monopoly, this time with the court's blessing!

Sincerely,
Marc Levine
Systems Analyst—Programmer
Mendocino County

MTC–00016731

From: American Chevrolet Oldsmobile Cadillac
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

The proposed settlement is a bad idea for the entire human race.

The more power we give to microsoft, the less power we have for ourselves. Please, split the company into 3 separate entities as the previous judge requested. This will be the only way we can stall Microsoft's takeover of the world.

If we don't take action now, we'll settle for nothing later.

Joseph Alek Piasecki

Systems Administrator/GM-Buypower Manager

Danville Holdings, Inc

dba American Chevrolet Oldsmobile Cadillac

Phone: (888) 417–6484

e-mail: american@soltec.net

http://www.buyamericancars.com

MTC–00016732

From: marcus cole
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

To whom it may concern:

I would like to express my opposition to the proposed settlement of the Microsoft antitrust trial.

It fails to redress the harm the company has inflicted on the software market as a result of leveraging its monopoly position as demonstrated in the Findings of Fact.

One of the most significant results of this illegal activity is 'vendor lock-in'. Consumers have become tied to Microsoft products because of the lack of alternatives. In order to remedy this situation, I believe that the best solution is to force Microsoft to publish is document formats and programming interfaces, and make these available to the public and competitors 6 months before any proposed changes.

Importantly, the public and competitors must be allowed use of copyrighted and patented interfaces and formats for the purpose of interoperability. This single step would leave Microsoft free to innovate while allowing competition from other software vendors based on the merits of the product, rather than any historical market share earned through illegal means.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake.

Sincerely,

Marcus Cole

MTC–00016733

From: Werckmeister, Robert
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

I am in opposition to the terms of the settlement with Microsoft.

Robert Werckmeister

MTC–00016734

From: Jonathan B. Anglin
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jonathan B. Anglin

MTC–00016735

From: Chip Sockwell
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

This letter is addressed to the District Court Judge handling the Microsoft Settlement.

Dear Sir or Madam:

The matter of the Microsoft settlement now before your court is something that concerns me deeply. I grew up in a time of emerging computer and technology giants. I followed technology like my peers followed comic books. To me technology had the same great story line: good vs. evil, brainpower vs. brute force, innovation vs. stagnation. Superheroes and villains blinked in and out of existence always to be knocked aside by the next greatest advancement. Reading about these adventures carved my definition of American spirit. With the backdrop of the American free market the spirit of these heroes unprecedented creativity, innovation and efficiency helped opened a new era in history. I still struggle to understand the infinite complexities that took place only a decade ago and I only hope to keep a finger on the countless decisions and maneuvers that take place in todays technology market.

It is an appeal to your American spirit that I write this letter today. From my own experience I have seen a troublesome decline in American spirit and optimism due directly to the Microsoft case and its premise. Before the events in the Microsoft trial unfolded I had been completing my college degree in Information Systems. Looking back at the spirit of my classmates I noticed a palpable and enthusiastic I'm going to show everyone and make a million attitude. This American spirit and enthusiasm for technology bleed through into most every topic the class and the teachers discussed. The number of technology classes could not meet the demand of philomaths lining up at the business schools doors. That is until the courts decided to entertain the pleas of Microsofts fallen competitors. By the time the verdict had been read most students knew that the situation would not blow over by graduation.

Technology became the topic of failure and a seat in a technology class was no longer prized possession. Many students were depressed by the subsequent downturn in the economy, but some were left questioning the fundamentals that gave Americans their optimistic spirit: the rights to life, liberty and the pursuit of happiness. The Microsoft case was and is in direct violation to the latter two. The DOJ has sent a clear message: Microsoft, you have had enough liberty and happiness. Microsoft exhibited the same competitive behavior that we were studying in textbooks, yet their troubles seem to stem from one un-American axiom. If you become moderately successful, your business practices will be labeled as competitive; if you become very successful, your practices will become the subject of anti-competitive scrutiny and jealousy.

The anti-trust laws are not being applied fairly in this case and their very nature prevents them from ever being applied objectively. Has it come to pass that we now define the legality business practices by the success of the producer? Will the courts now be a competitive tool for the incompetent? Leaving the puerile comments and verdict of Judge Jackson aside, justice in America cannot be served until every business knows that it is free to produce and compete. The weakness of DOJs case has only proven that this freedom is subject to whim and jealousy. The American spirit will not be restored until this case removes the limits on liberty and the pursuit of happiness.

Sincerely,

Chip Sockwell (Devoted Microsoft user—until the next greatest thing comes along)

17 Mohawk CT

Cromwell, CT 06416

(860) 635–4061

MTC–00016736

From: Simpson, Mike
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

Hello,

I would like to express my displeasure with the Microsoft antitrust settlement proposal. I feel that the single biggest issues affecting competition are the facts that 1) Microsoft has an effective monopoly of the ''office productivity suite'' class of applications, and 2) they make it very difficult for other vendors to interoperate with their product (Microsoft Office). Potential new vendors must support the Office document formats because they are the de facto standard, but they are undocumented, and thus it is almost impossible for any potential new vendors to support them well. As a result, the consumer has no choice but to buy Office, and because it only runs on Windows, he has no choice in operating systems either.

I feel that any effective settlement must include the following conditions: 1) Microsoft must release full documentation for the existing Office file formats; 2) Microsoft must be prohibited from introducing changes to these formats without releasing full documentation of the changes; 3) Microsoft must be release said documentation in advance of their actual support for the changes, to prevent other vendors from having to play catch-up. 4) Microsoft must participate in the development of new, open document formats, preferably based on XML and governed by an independent standards body.

The effect of these conditions would be to allow other vendors to develop a product competitive to Microsoft Office for the first time in years. This in turn would open the door to competition in many other areas.

Mike Simpson

Typed with the Dvorak keyboard layout: http://www.mwbrooks.com/dvorak/

MTC–00016737

From: fud@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00016738

From: Garrick James
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement
23 January 2002
Garrick James
6909 Weeding Place NE #A202
Seattle, WA 98115
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Mr. Hesse:

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with an analysis provided by Mr. Dan Kegel (available on the Web at http://www.kegel.com/remedy/remedy2.html).

- The PFJ doesn't take into account Windows-compatible competing operating systems
- Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.
- The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
- The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.
- The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.
- The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.
- The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.
- The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.
- The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.
- The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.
- The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.
- The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.
- The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
- Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.
- Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.
- Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)
- The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
- Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.
- The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs
- The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.
- The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.
- The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.
- The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by Mr. Kegel, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Garrick James

MTC–00016739

From: hermest@thebestisp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Proposed Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 23, 2002

Under the Tunney Act, I write to comment on the proposed Microsoft settlement. I will begin by stating my agreement with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), which thoroughly covers a variety of substantial weaknesses in this proposed settlement that would render it largely ineffective for providing remedies to the Microsoft Corporation's illegal anti-competitive practices.

I urge the Department of Justice to consider the technical issues discussed widely in the analysis of Mr. Kegel and others. The proponents and creators of alternative operating systems such as Linux and Windows software compatibility applications such as WINE have a unique perspective to understand the issues of technical barriers that can be exploited by the Microsoft corporation to continue its illegal practices while obeying the technical demands of the proposed settlement.

Finally, I join Mr. Kegel in many others in urging the Department of Justice to more clearly delineate the mechanisms and processes for enforcing this agreement. The Microsoft Corporation has repeatedly demonstrated a notorious disregard and disrespect for the law, and there is every reason to believe that it will take advantage of any opportunity to engage in behaviors that will erode the intent of this judgement.

Without appropriately defined oversights, authorities to lead and oversee remedies for failure to comply, and the insurance of penalties sufficient to force compliance, it is unlikely that the proposed settlement will result in any true creation of greater competitive environments in the markets currently dominated by the Microsoft Corporation's illegal monopolistic business practices.

Thank you for your attention in this matter.

Sincerely,
Jonathan M. Hamlow
2555 Washington St. NE #2
Minneapolis, MN 55418

MTC–00016740

From: Doug Weathers
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The proposed settlement is a terrible idea.

Doug Weathers,
Network Administrator
St. Charles Medical Center

MTC–00016741

From: Andrew B. Peterson
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. There are many problems with the proposed settlement, namely: The PFJ doesn't take into account Windows-compatible competing operating systems:

- Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

- The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

- The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

- The PFJ allows users to replace Microsoft Java with a competitor's product, but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

- The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

- The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

- The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

- The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

- The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

- The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

- Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

- Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

- Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

- Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs:

- The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

- The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

- The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

- The PFJ as currently written appears to lack an effective enforcement mechanism.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Andrew B. Peterson
Andrew B. Peterson, M.A., M.S., President
Vital Net Ventures Corporation
Internet Site Design and Hosting
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web site: http://www.vitalnet.com/
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mobile: 561–302–1297

MTC–00016742

From: Pavlo
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

The settlement is a bad idea.

Pavlo Rudakevych
Pismo Beach, CA.

MTC–00016743

From: Mark_H_Martin@elementk.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

If Micorsoft is guilty, they should be punished. No company should be punished for being successful, but if that company became successful by breaking the law then they should be punished, not for their success but for their crime.

I was a mac user that had to become a windows user due to its ever growing dominance in the world. Please dole out a fair punishment

Mark Martin
Experience Designer
Element K
''e-Learning with a human touch''
www.elementk.com
585–240–7686

MTC–00016744

From: Wilson, Eric
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

Sir / Madam;

I simply wish to voice my opinion with regard to the Microsoft anti-trust suit. Clearly Microsoft have already been found guilty. The only thing that remains is restitution, and divergence from previous business tactics.

Allowing Microsoft to flood the educational markets with free rein is clearly a step in the wrong direction. Judgments should be in the form of penalty not reward. This must include the assurance that no further anti-trust activity can continue.

Regards;
Eric Wilson
IBM CATE AIX / SP Systems Administration
Anheuser-Busch Companies, Inc.
One Busch Place
1CC-8
St. Louis, MO
Voice: 314.589.7601
Cell: 314.486.8443
Facsimile 314.632.6901
email: Eric.Wilson@Anheuser-Busch.com
pager: Eric.Wilson@PageBUD.com

MTC–00016745

From: Marc Rassbach
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I do not see how the proposed settlement goes ANY way to redress the past monopolistic actions of Microsoft.

Nor does it stop them in the future.

Late 1980's. I could not buy a machine w/ o MS-DOS (and later windows) I ran Xenix 286 and Xenix 386, and did not need thier product, yet was forced to buy it.

Last year I needed a laptop. I could not buy a new laptop unless I *ALSO* paid for some form of windows. That laptop boots FreeBSD, and *I* have never booted Windows on it.

As a consultant, I do not need, nor want to be forced to buy their products just so I can have hardware to run FreeBSD. Yet, that is exaclty what is happening. And has been happening for years. Microsoft has used the dominance of DOS/Windows to now levelrage the browser market. Next up is they

will use this dominance to leverage payments out of consumers to view content. The windows media player being built into DVD drives is an example. The use of the DMCA to prevent decryption of the specs to thier re-implementation of kerberos (causing breakage with the standard) is another example of ''business as usual'' for Microsoft. I know that if *I* created false evidence in court, I would have be behind bars right now. Judges do not like people lying under oath. Yet, the end result for Microsoft is remains another day in monopoly paradise for Microsoft, with the governments help.

Part of the rhetoric of 0 /bin/ladin is that the US government backs its corporations. The proposed settlement is more business as usual where the US government helps to back corporations. Show some backbone. Do your job. Work to stop the illegal microsoft monopoly.

Linux is for people who hate Microsoft.

FreeBSD is for people who love UNIX.

Windows: ''Where do want to go today?''

Linux: ''Where do you want to go tomorrow?''

BSD: ''Hey, are you guys coming or what?!?''

MTC–00016746

From: dpuggie@sprintpcs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

To whom it may concern;

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

David Puggie
Mesa, Az

MTC–00016747

From: Larry Childers
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

I am a US citizen, and after hearing of the opportunity for the public to comment on the case I felt compelled to do so. In my opinion the settlement isn't good for the US, it's citizens, consumers, the economy, or the computer industry as a whole. It its also my opinion that in fact the settlement does more to help Microsoft than punish it. Microsoft can not, and should not continue on it's current course without dire consequences to the US economy, and more so the global economy. It has already been proven Microsoft is guilty of anti-competitive practices, yet no real form of punishment has been proposed. As a US tax-payer, and computer user, I insist the government I support place much harsher penalties on Microsoft to prevent them from continuing with the business practices they have been found guilty of.

Thank you for your time.
Larry Childers
South Charleston, WV

MTC–00016748

From: Michael Hasse
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft settlement

I find the Microsoft settlement to be quite unacceptable not only as a computer professional, but also as a United States citizen. We are setting a poor example for the rest of the world if this is the best we can do.

Sincerely,
Michael Hasse
425–330–7583

MTC–00016749

From: John Ousterhout
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

I am writing this message as part of the ''public comments'' on the proposed Microsoft antitrust settlement.

The proposed settlement is not in the public interest and must be rejected. It neither corrects the damage that has resulted from Microsoft's abuse of its monopoly position, nor does it provide effective measures to restrain Microsoft from future abuses.

In considering this proposed settlement, please consider Microsoft's past behavior. Microsoft is a ruthless organization that will exploit every opportunity and loophole, legal or otherwise, to gain advantage. The company is utterly unrepentant about its past illegal behavior and has that behavior wired into its to corporate genes; I doubt that the company could change its behavior even if it wanted to (which it doesn't).

Therefore, it will require exceptional measures to prevent abuses in the future; the measures in the proposed settlement are nowhere near strong enough to restrain a company like Microsoft. For example, the technical committee has its no teeth whatsoever; it can't even go public with its findings!

Imagine a similar case in the criminal domain, with a similar settlement. A gang of criminals has robbed a series of banks, making away with millions of dollars before eventually being apprehended. After an extended trial, the criminals are found guilty. Then, before the sentencing hearing, the prosecutor agrees to a settlement: no jail time for the criminals and they get to keep all the money they stole. However, they do promise not to rob any more banks, and they also agree to the formation of a ''technical committee'', which will follow the gang around to make sure they don't rob any more banks. However, the technical committee is not allowed to say anything in public if they see that the gang has indeed started robbing banks again. Would such a settlement be considered to be in the public interest? No way! And the proposed Microsoft settlement shouldn't be either.

I believe that the proposed settlement would actually encourage Microsoft to engage in unlawful activities in the future, because the penalty for the unlawful activity is minuscule compared to the business benefits derived from the unlawful behavior.

What has really happened here is that Microsoft has worn down its opponents to the point where they lost their will to proceed (and the Bush administration had no interest in this case anyway). This is exactly the sort of situation where we depend on a strong judiciary to stand up for the public interest and make sure that justice is done. Please do the right thing and reject this appalling settlement.

MTC–00016750

From: marcgiannoni@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

Attorney General:

As a private US citizen, and a practicing software engineer, I want to express my disappointment with the proposed Microsoft settlement. Please note my expressed dissatisfaction with Microsoft's rapacious business practices, and the weakness of the remedies outlined in the settlement.

Microsoft, a monopolist, refuses to embrace any meaningful correction, soldiering on in denial without offering the public any apology following their resounding defeat at trial. Microsoft's incredible display of innocence is surprisingly eclipsed by their cynical jab at Apple as outlined in their attempts to settle the Civil Lawsuits from California.

Please send this intransigent defendant one very clear message. They are guilty and they will pay the price for lawbreaking. Respect for the Judiciary and The Rule of Law is a critical factor when calculating remedies for Microsoft.

In my opinion, the only remedy Microsoft will understand will require some ''crown jewels'' provision like placing Windows Operating Systems in the public domain. Take a page out of the Drug War playbook: ''the fruits of illegal activities cease to be private property and become subject to seizure.''

Sincerely
Marc Giannoni

MTC–00016751

From: Bryant, Doug
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

I believe the proposed settlement is a BAD idea. It is bad for consumers.

It will not alive Microsoft's stranglehold on the industry.

Doug Bryant
Arthur D. Little
5300 International Blvd.
North Charleston, SC 29418
email: dbryant@scra.org
voice: (843)760–3635
fax: (843)207–5444

MTC–00016752

From: Michael Bowen
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am writing to you under my rights contained in the Tunney act concerning the

proposed settlement in re the Unites States vs. Microsoft. I believe the proposed settlement does a poor job in reducing Microsoft's monopolistic power and in providing at least a level playing field to competitors.

In brief, I feel Microsoft has and exercises monopolistic power through its operating system and application products in what may be one of this country's most important industries—computer software. It is generally understood that software is what drives hardware development and sales. Information technology in all of its ramifications is crucial to our competitive position in the world. To leave one company with over 95% control of the basic software used by our IT infrastructure is dangerous.

This danger is compounded by virtue of Microsoft's having attained its position by using monopolistic and anti-competitive practices. It is further compounded by Microsoft's products being inferior in design and structure to other alternatives.

How do we rectify this serious problem? I realize this is a complex question, but the simple answer would be to force Microsoft to place its Windows Application Programming Interface and the file formats of its Office programs IN FULL into the public domain. Over time, programmers and other various interested parties would be able to use this information to provide some credible competition to some, but not all, of Microsoft's monopolistic products. This would foster and preserve our country's strength in IT and would offer competitive products.

Therefore, my request is please make the Windows API and Office file formats publicly available.

Yours sincerely,
Michael C. Bowen
mbowen@well.com

MTC–00016753

From: Brian D. Elliott
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed settlement against Microsoft is too weak. The findings of fact by Judge Jackson clearly find that Microsoft is a monopoly, and the remedy phase of the trial should include some kind of punishment against the company. This is a company that, based on past experience, will have no trouble complying with the letter of the law in the settlement while blatantly violating its spirit. To them, it doesn't really matter. It'll be another 5 or 6 years before the government brings up another antitrust suit for Microsoft's anticompetitive actions in say, 2001.

The proposed final judgement also does not give adequate powers to the oversight committee. First, how will the oversight committee be chosen? There should be a panel of objective industry experts who understand the software industry in detail. Even so-called experts from places such as AOL and Sun Microsystems all have a personal agenda. Second, what powers will the oversight committee have to punish Microsoft if more anticompetitive practices are found? They should be given powers to levy extremely heavy fines on Microsoft if this is the case. The fines should be based on a percentage of the revenue they derive from the products or services in which the company exhibited the anticompetitive practices. Something needs to be done to keep Microsoft on an even playing field.

Reject the proposed final judgement. It does far too little to have any impact on Microsoft.

Sincerely,
Brian Elliott

MTC–00016754

From: afsheenb@bu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

I'd like to take this opportunity to show my dissatisfaction with the current microsoft settlement.

In my mind, it only perpetuates the same crimes that microsoft was supposed to atone for—by extending the monopoly into the education market.

MTC–00016755

From: Christopher Mende
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To whom it may concern:

I think the current proposed settlement is a sell-out and a continual example of compromise to Microsoft.

CSM

MTC–00016756

From: Laura Wick
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Re: Microsoft settlement

Dear Sirs:

Under the provisions of the Tunney Act, I respectfully ask that my comments, outlined below, be considered by the court before finalization of the settlement of the Microsoft Anti-Trust Case.

The proposed settlement is, in my opinion, a travesty. In order for there to be even a semblance of justice, a proper settlement must:

1. Provide redress to the companies whose software innovation has been denied access to markets by the continuing illegal monopolistic practices of the Microsoft corporation. It is actually frightening to consider all the innovations the computing public will never have because these companies have been denied access to the markets. Not only can their existing products not get to us, but they have been denied the resources to develop additional products that probably would be far superior to the Microsoft products so vulnerable to viruses that we use today.

2. Require restructuring of Microsoft Corporation and require restraints on the resulting companies to effectively deny their ability to achieve the same result yet another time, and provide ALL companies equal and open access to all their products'' interfaces and formats.

3. Provide severe punitive economic sanctions to discourage and prevent such an outrageous corporate injury to the free market enterprise in the United States of America from ever happening again.

Sincerely,
Laura B. Wick
San Diego, California

MTC–00016757

From: August Zajonc
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

The fact that nine states despite a natural tendency to work to settle these cases have not joined the settlment speaks volumes.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. This comment period is a part of the process written into law, and I hope the court at leasts finds a chance to read through some of these comments.

Sincerely,
August

MTC–00016758

From: Iaquinta, Larry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

I do not like the proposed settlement with the Microsoft Corp. Microsoft business practices have been hurting the computer industry for years, and Microsoft should be held accountable. Our government should stop Microsoft from their unethical and illegal business practices, and not let them off with a slap on the wrist. This will only encourage this type of business practices.
Larry Iaquinta

MTC–00016759

From: Esben Nielsen
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement

I am not an American Citizen and I do presently not live in the USA, although I have stayed there for 16 months in total as a student and as a scientist. But Microsoft's monopoly is worldwide so I feel I too should have a right to comment.

Now I work as a software developer in Denmark and I feel the enormeous pressure on companies and employees for using Microsoft products, not because they are better but because of interoperability problems and lack of support of other platforms by third party products. Simple things like browsing the companies intranet with anything but Internet Explorer because the authorization scheme used by the Microsoft server is not compliant with the

HTTP-protocol. Thus deploying other clients into the company is impossible without redoing the whole infrastructure first. At home we use Linux as the platform, although we still keep an Windows 98 around to run programs only available on Windows. It can be done but due to a lot of interoperability problems and lack of support it is a hard -and mostly impossible for a non-technical home user. Not because Linux in itself is that hard to use, but because the homeuser can't get any help with simple things like setting up his internet dialup and stuff like that simply because those companies don't have supporters who know Linux. They are thus locked into using Windows even though other products in itself might be better.

But in itself Linux is a good product. Which is very surprising considered that it is developed in according to communist principles: Linux itself and much of the software ussually comming along with it is developed according to the economical model, where people work and share because they want to do so—not for money. And the result can compete with Windows, the frontrunner of the capitalistic system!! How can that be? All experience tells us that free competition is much better than communism and socialism. So what is wrong? The answer is obivious from the previous sentense: Free competition. We don't have free competition. If we had this situation would never have occured.

Therefore I beg you to do your duty and restore free competition to the software market. As others have said (for instance http://www.kegel.com/remedy/letter.html) the settlement is totally inappropiate in doing that. In my view only a split up of Microsoft into into smaller companies—basicly one for each product they have. First then will these and other vendors truely start to compete.

Esben Nielsen
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MTC–00016761

From: Daniel Berlinger
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. I would also suggest a reading of the essay posted here: http://www.kegel.com/remedy/remedy2.html

Some serious shortcomings relate to:

1) Middleware.—The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''.

Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network. Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product.

They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability.—Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS

3) General veto on interoperability.—In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source.—Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

MTC–00016762

From: Ben Brown
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

Microsoft has CONTINUALLY engaged in monopolistic business practices, and they have become more obvious in the last few years. I think this settlement is a joke! The terminology is not specific enough and only covers a narrow window of products or items. Without more specific terms, do you really want us to believe that ANYTHING with Microsoft is going to change? They have already started implementing .NET, which will essentially give them more control over the Internet. They are already placing restrictions in their EULAs that make it so you cannot run their software legally on anything other then Windows machines, and you cannot run their software with open-source or free software. Where does this leave the competition? Where does this leave the consumer, of all people? As a professional in the industry, I can tell you that Microsoft has the biggest security holes and the worst prices. Why give them even more room to exploit that? Let's shut them down now, while we still can. Even the playing field so that new technologies cannot be crushed by mere purchasing power. Make the computer industry a fair place to do business.

Ben Brown
Network Administrator
The Video Journal of Education & TeachStream
ben.brown@teachstream.com
Office: 800.572.1153
Fax: 888.566.6888

MTC–00016763

From: Sam Gorton
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

Hello; I am a US Citizen living in Massachusetts, and I would like to comment on the proposed Microsoft settlement as per the Tunney act. Regardless of the wisdom of

settling with Microsoft, I see two major problems with the settlement as written:

1) There is no enforcement mechanism within in the settlement—if Microsoft violates the settlement, what recourse does the public have? In particular, what —timely— recourse does the public have, without starting a new multi-year anti-trust suit?

2) The settlement allows Microsoft the latitude of determining who to disclose its APIs to—which allows is to arbitrarily exclude competitors and also makes it possible for Microsoft to use ''anticompetetive'' practices against Open Source solutions.

As a computer security professional, I can tell you that overly secretive software combined with poor quality control are a significant source of vulnerabilities. Because of how many civilian goverment and Department of Defense computers rely on Microsoft software, I believe it is critical to the health of the US information infrastructure to require some level of openness and competition from Microsoft.

Sam Gorton
sgorton@grey-havens.net
624 Boston Ave #9B
Medford, MA 02144

MTC–00016764

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement

Microsoft is obviously guilty of breaking the law. As a de facto monopolist, they are not allowed to engage in such predatory practices.

The exclusionary contracts they struck with PC manufacturers have damaged many companies.

MS products are often designed to exclude the use of applications created by competitors, and MS knows that with their market dominance (to the point of monopoly position) will cause users to have to use MS applications in order to have access. They often take advantage of recognized standards for interoperability and modify them so as to interoperate only with MS products, excluding any competitors. They realize that many of their customers are unaware of this interoperability problem, and will assume that it's the competitors'' problem; their solution: just use MS products.

The proposed settlement, allowing MS to continue such anti-competitive methods while still maintaining their monopoly position provide no remedy at all. As a result, law-breaking is rewarded by acceptance of the status quo.

Dave Brown Austin, TX

MTC–00016765

From: sara maamouri
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: proposed settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you for your time.
Sara Maamouri

MTC–00016766

From: guy@albertelli.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea, it does very little to stop Microsoft from continuing to harm competition in the operating systems market, to stop microsoft from continuing to leverage it's monoply into other markets, and very little to punish them for previous illegal behaviour.

I think a new settlement is in order.
albertel@msu.edu
Guy Albertelli

MTC–00016768

From: Steve Holder
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephen Holder

MTC–00016790

From: Tom Johnson
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To whom it may concern:

When Microsoft gets it right their software is great: as a writer I worship Microsoft word and I feel the Microsoft Office Suite is excellent. I also prefer Microsoft's pocket program for the handheld PC's over Palm's. But Microsoft doesn't always produce the best software, and their browser is a great example.

I use Netscape Communicator because I feel it is more intuitive and user friendly than Internet Explorer. I have twice tried to convert to Internet Explorer—once for a YEAR!—and both times gone back to Netscape as my preferred browser. Admittedly Internet Explorer is at this point as good a browser as Netscape's, but only because Microsoft has been forced to equal the competition they squashed.

I recently was forced to install Internet Explorer's latest version into my OS in order to install Microsoft Outlook 2000, which is necessary to have installed in order to sync my Journada 520 handheld with my PC. Now how insidious is that? Microsoft Outlook 2000 is a SEPARATE program from Internet Explorer: at least it's sold that way— it is NOT BUNDLED with Internet Explorer. When I installed the upgraded Internet Explorer it converted all my files saved in Netscape to Internet Explorer files! Thanks a lot! Since I downloaded the I.E. upgrade for free, and it looked pretty good, I actually tried it for awhile. Without going into the details of the various frustrations I ran into with it, suffice it to say I went back to Netscape Communicator within a week.

User preference aside, another reason I prefer Netscape is the security issue: because it is NOT integrated with the windows system my OS is less susceptible to attack from viruses transmitted over the internet.

My personal preference would be for there to be a stripped down, and cheaper, Windows OS available to which I, and computer manufacturers, could add the software they liked: Microsoft's OR a competitor's. This is the only way I can imagine innovation sparked by competition can continue in software. If Microsoft wants to offer their ''souped up'' system with everything bundled in—fine—but I think it would be surprising how many consumers would opt for the ''stripped down'' alternative if it was available.

Microsoft's monopolistic practices must be stopped, and in my opinion they should pay compensation to Netscape for the business they stole by giving away their inferior product as an alternative in order to kill their competition. Their intent is so transparent it's ridiculous. I wish you the best of luck in trying to craft an equitable solution which will result in the return to true free enterprise competition in the digital world.

Thomas P. Johnson
2599 Warwick Lane
Santa Cruz, CA 95065
(831) 464–3120

MTC–00016791

From: Carolyn Thurlow
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the proposed settlement and have kept track of the findings of the court over the last several years. I did not author the following comment, however I agree wholeheartedly with its content. I would also like to add that, given Microsoft's track record of lobbying tactics and poll-rigging, it may be of some interest to the court to verify that the people sending in comments are not deceased.—CLT

I am opposed to the proposed settlement in the Microsoft antitrust trial.

I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft'' s previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Carolyn Thurlow
2239 Flower Tree Cir
Melbourne, FL 32935

MTC–00016792

From: Jamie Siglar
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

DOJ/Microsoft Anti-Trust case personnel,

As a concerned citizen, voter, and someone who's already been negatively impacted by Microsoft's licensing shenanigans, I'd like to comment on some elements that seem to be missing from the proposed final settlement.

A little over a year ago, I was preparing to buy my new ''box'' (PC); as my previous PC was a custom-configured box from Dell, I went up to www.dell.com and attempted to configure my new box there. However, Dell was unable to configure my box the way I needed it; specifically, to sell me a shrink-wrapped (''full) copy of Windows2000 instead of a ''recovery disk''. Said recovery disk would only support the original configuration of the machine, as shipped to me by Dell. And they couldn't sell me a ''bare'' box that I could install my own Win2K shrink-wrap version onto.

I'd been alerted to this by a Microsoft-published article, describing to OEM's the ''danger'' of selling bare boxes—which only experienced developers would ever want...

I complained to Microsoft regarding this licensing problem; as a computer multimedia consultant, I have to reconfigure my box on the order of once per month—testing video, audio, and similar specialized boards (game controllers, video-capture, etc.) for compatibility with my clients'' software. Their licensing scheme would, in effect, put me out of business, unless I buy 2 copies of their software for each box.

A member of Microsoft's marketing replied to my complaint, reiterating that bare boxes were dangerous because people could pirate Microsoft's software; however, he never addressed the issue of my business, which I described explicitly.

Instead of buying from Dell, I had a ''bare'' box built locally; it's never worked as well as my old Dell, and it cost several hundred dollars more than the Dell box would have, could I have obtained the configuration I needed.

I've also had to manually remove pieces of Microsoft software from my boxes; specifically, Outlook Express and Exchange, because the security leaks they pose would force my clients to drop me as a vendor. ''Manually'' in this case includes deleting the relevant .EXE files and going into the Registry via RegEdit and altering the base configuration so Microsoft doesn't attempt to re-install these applications from the Web. I use compatible mail software (''The Bat'' from RitLabs) that does not include the various security holes reported for Outlook in the popular and trade media.

The proposed settlement does not prohibit Microsoft from requiring customers who obtain their software from OEM channels from requiring the purchase of a second copy in order to reconfigure the PC.

The proposed settlement does not prohibit Microsoft from requiring OEMs to sell an OS—not necessarily a Microsoft OS, it could easily be a flavor of Unix—with every PC; nor does it prohibit Microsoft from including intrusive ''activation'' software within it's OS that attempts to notify Microsoft every time the configuration is changed. I've experienced this with my clients'' new XP boxes, and decided against using that OS because of this.

The proposed settlement does not address Microsoft's continuing anti-competitive behavior that allows them to product-dump—the inclusion of OutlookExpress and Internet Explorer specifically—by including their own software for ''free'' as part of the OS. This has already driven Netscape out of business, and with some of the aspects of the Windows Media Player may be targeted at Adobe, Macromedia, and Real.

The proposed settlement does not prohibit Microsoft from using an ''upgrade'' to included software from crippling third-party software; this past fall, upgrades to the Windows Media Player and Internet Explorer caused failures in old code (produced in Director ''Shockwave''and Authorware ''WebPlayer'' from Macromedia, and ''RealAudio'' from RealPlayer) when I attempted to view year-old sites I'd created using the brand-spanking-new IE6. They still work perfectly under IE5.5.

In closing, while I believe the intent is good, I don't see that the current proposed final settlement does enough to curb Microsoft's anti-competitive behavior; but I think that the proposal could be adjusted to make it closer to ideal.

Whether Microsoft, the AG's office, and the states can all agree to changes is another story entirely. Obviously. Thanks for your patience and consideration,

Jamie Siglar
Computer Multimedia Consultant
Somerville, Massachusetts

MTC–00016793

From: geoff@www.uslinux.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As an experienced technical consultant and business owner, I would like to point out the following reasons why I do NOT support the proposed settlement:

I. The PFJ doesn't take into account Windows-compatible competing operating systems

A) Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

II. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

A) The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

B) The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

C) The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET, and subsequent similar products with competing middleware.

D) The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

E) The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

F) The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

G) The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

H) The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents or other similar applications.

I) The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users and non-Microsoft developers, and opens the doors to potential future lawsuits against Microsoft competitors.

III. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

A) Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

B) Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

C) Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

IV. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

A) Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. Modified implementations of Java and the Kerberos authentication protocol immediately come to mind.

V. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

A) The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

B) The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

C) The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

VI. The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you for your time.

Geoffrey M. Silver
gsilver@uslinux.net
President & Chief Architect
''Making Linux Work. For You.''
US Linux Networks, LLC
http://uslinux.net
2312 Lookout Road
Phone: (703) 431–1012
Haymarket, Virginia 20169–1515
Fax: (253) 660–9266

MTC–00016796

From: Grell, Brian D
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

I do not agree with the proposed final judgement in the Microsoft case. It is true the the proposed judgement will lift some barriers on OEMs, it does not take into account the changing business model of Microsoft. Microsoft, with its new .NET technology, will be starting its subscription service, which will require people to ''pay'' for a product that is many years old, and could potentially contain very little new material.

Any third party application that is made to run on the OS will be subject to this subscription, whether or not the third party software requires a subscription of its own. So, a third party application that is made to run indefinetely, will be subject to the term limits under Microsofts subscription. This is wrong. Third Party applications that have no term limits, and should be accessable forever, independent of the OS. The final judgement does not even mention this, and hopes to solve the problems of yesterday, with OEM licensing and releasing APIs to the Microsoft OS. Until the judgement takes into account all aspects of the Microsoft business (past and future) it needs to be reworked.

Brian Grell
Fab15 Automation
Office: (503)642–0724
Pager: (503)921–4425

MTC–00016797

From: Kevan Burnfield
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To Whom it may concern:

As a citizen of the United States of America I am writing to voice my opinion and objection to the proposed settlement with Microsoft. Microsoft has been found guilty of the charges brought against them in a court of law. These charges were proven and since that time Microsoft has continued to practice the same disregard for the law that they showed before the Department of Justice found them guilty. Microsoft obviously cannot be trusted to police themselves even after the verdict was handed down and cannot be trusted to do so under a settlement that soley benefits them and grants them massive loopholes to continue their monopolistic practices.

It was shown over and over again in the trial that Microsoft hindered inovations of the other companies in their own interest. They used their monopoly in the operating system market to force computer manufacturers to offer ONLY their products and used their relationships with software developers to develop only for their products under harsh penalties. The Microsoft settlement is a disservice to the people of not only the US but of the world. It will not address the issues in a manner that will prevent or deter Microsoft from continuing their current aggendas and will give them license to do so.

As I said above, even after the verdict was handed down against them Microsoft has continued to be caught in the same illegal practices they committed before. Does this not show a deliberate disregard for the law and for the judgement against them? This settlement should not be allowed to hamper the hands of the Justice Department in protecting the citizens of the United States.

Sincerely,

Kevan L. Burnfield
6043 Cedar Court
Monmouth Junction, NJ 08852

MTC–00016798

From: Alan Post
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Alan Post

MTC–00016799

From: Erik Schmidt
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form. Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They continually display an arrogance that shows they have no regard for the law. Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Thank you,

Erik Schmidt
744 Nobel Drive
Apartment C
Santa Cruz, CA 95060

MTC–00016800

From: Alan Eshelman
To: Microsoft ATR
Date: 1/20/23 12:03pm
Subject: Microsoft Settlement

Microsoft calls the open source software movement a threat to innovation and is being given permission to withhold interoperability information from any open source developer if Microsoft deems them lacking in ''authenticity and viability of its business,'' while at the same time calling Linux (an open source operating system) a ''cancer.'' This is a huge hole which will be exploited by microsoft, please fix this and make Microsoft accountable for their past actions and prevent future abuses by this monopoly.

Even more disturbing is this from Ralph Nader's letter: ''Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found

to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.''

Please repair these things, Microsoft is not being punished, monitored, or restricted in its illegal practices by the ''US v. Microsoft proposed final order.''

Alan Eshelman—
alan.eshelman@cesoft.com
Network Administrator—CE Software, Inc.
http://www.cesoft.com—515–221–1801

MTC–00016801

From: Ted Kisner
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

Dear DOJ,

Please don't settle with Microsoft! Take away their monopolistic powers and make sure justice is done! Don't let down the people of this great nation!

Sincerely,
Erin Riley

MTC–00016802

From: peter.hiltz@gm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

I would like to make my comments on the proposed Microsoft settlement and will try to avoid the normal rhetoric from either side.

The legal decision has been rendered that Microsoft is a monopoly. That creates certain responsibilities that do not apply to a non-monopoly holder. Given Microsoft's position and the critical nature of their software in the current US economy, I believe the most important requirement is publishing and documenting the API for everything. That allows programmers to write programs to connect with and interact with Microsoft's programs and operating systems.

I do not believe giving Microsoft the ability to decide which APIs it will publish is in the best interests of the country or the economy or the consumers. Giving such control away to Microsoft effectively gives them the ability to limit any competition. Lack of competition is bad for the consumer. (If the consumer was not being overcharged, Microsoft would not be increasing its cash by an estimated $1.5 billion/month). The documentation needs to be sufficient that programmers can write programs that connect with the Microsoft operating systems, ''middleware'' and applications products on a level playing field with the Microsoft programmers.

However, I also don't believe that Microsoft should have to publish anything which is behind the API. Such an action would be too much interference with Microsoft's ability to compete itself.

I object to being forced to buy computers with Microsoft software (with a built in price increase) that I have no intention of using. I also object to discovering language in EULA,s that limit my ability to use the software that I have ''licensed'' to a single computer, that I cannot modify without the permission of Microsoft, that I cannot use for purposes that Microsoft finds objectionable (e.g., using their word processing program to write a letter critical of Microsoft), and that effectively asserts some type of control over hardware that I, not Microsoft, own. (By the way, I do find it incongruous that Microsoft and other ''applications software'' developers claim property rights based on licensing, not sales, but then want to pay customs and income taxes based on ''sales'', not ''licenses''.)

Very truly yours,
Peter F. Hiltz
GMAC Tax Counsel

P.S. The opinions voiced are not necessarily the opinions of General Motors; I have'nt asked.

MTC–00016803

From: Dave Bauer
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

The settlement with Microsoft will not alter this convitcted monopolists practice or allow for real freedom of choice for consumers. Please rethink and come up with a settlement that is fair for consumers instead of big business. Corporations are not equal to citizens. The government was formed to serve the citizens not corporations.

The settlement will not help consumers at all.

David Bauer
728 County Route 7
East Schodack NY 12063

MTC–00016804

From: Joseph L. Brown
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To whom it may concern;

Please consider this a vote AGAINST the current Microsoft anti-trust settlement. I feel that the current settlement will do little to stem the rising tide of Microsoft monopoly abuses; in its current form Microsoft can easily pay tremendous fines unfazed; or pay lip service to any well intentioned restrictions while doggedly pursuing (as they are currently with Windows XP) further abusive strategies while ''redefining'' the market, products, and tactics to make those abuses technically not covered by the settlement. Microsoft has shown itself to be an abusive monopoly, willing to pursue even the most reprehensible courses of action to ensure their dominance. I strongly suspect that only fundamental structural changes to Microsoft (ie, a breakup) will have any lasting benefit for the citizens of the USA.

Sincerely
Joseph L. Brown
105 Ross Blvd., Apt. F–2
Hattiesburg, MS 39401–6924

MTC–00016805

From: Lauren Peterson
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. There are many problems with the proposed settlement, namely:

The PFJ doesn't take into account Windows-compatible competing operating systems:

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product, but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs:

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Lauren

lauren@vitalnet.com—Lauren Peterson

Vital Net Ventures Corporation

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MTC–00016806

From: pauld@egenera.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

To Sir or Madam:

It is my belief that the proposed Remedy for the Microsoft Anti-trust violation is insufficient to alleviate the situation. It fails to adequately ''unfetter a market from anticompetitive conduct'', terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, section V.D., p. 99).

Please consider a stronger remedy. Microsoft to date has shown us little to no reason to think it capable of self governance in these areas.

Anti-competitive practices continue unabated.

Thank you for your consideration,

Philip R. Auld, Ph.D.

MTC–00016807

From: Alex Deucher
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft's monopoly is stifling innovation in the PC world.

Alex Deucher

Arlington, VA

MTC–00016808

From: Seth House
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

Greetings,

I am writing because the proposed Microsoft settlement is no where near harsh enough a punishment. In fact, it very much appears that they are buying their vindication.

The injustices caused by Microsofts anti-competitive business practices are much too great. Companies have died because of it, good technologies have been forgotton because of it.

Please rethink your decision to let them off with a slap on the wrist.

Sincerely,

Seth House

SLC, UT

MTC–00016809

From: Tony Spears
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. The reasons are fairly obvious.

Anthony Spears

aspears@unitech-ia.com

MTC–00016810

From: Conder, Daniel
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

Short Answer: I urge to not settle.

Long answer: but very worthy of reading. simply explains A conflict of interest arises if the company writing the operating system (OS) is the same company that writes applications (APPs). The intermingling of OS and APPs gives MS a huge unfair advantage. MS will argue that they are simply making their OS better. Do not be fooled by this. They can still do all of the features they want and include them in their OS.

Solution: These additional functionalities to the OS are offered via the API (application program interface.) This published non-visible interface can then be used by all software application manufactures including MS to write software.

A good place to draw the boundary between OS and APP is where the code has a GUI (graphical user interface) or in laymen's terms if you can see it on the screen.

Any settlement should have a provision to address this problem.

Daniel Conder

CC:'allutah(a)liberate.com'

MTC–00016811

From: Houghton, Adam
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. Microsoft deserves to be punished more harshly for its behavior.

Sincerely,

Adam Houghton

MTC–00016812

From: Walt
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

This a message to voice my concern and opposition to the revised proposed Final Judgement against Microsoft.

There are many flaws (legal technicalities perhaps) in the proposal. For example, definition U (Windows Operating System Product) is too narrowly defined and leaves much room for Microsoft to maneuver and avoid disclosure of information. Without much effort Microsoft can make sufficient changes to declare that their next WOSP is sufficiently different from its precursors that it is not a successor to any of them. The definition also does not include other products such as its PocketPC and TabletPC operating systems.

I am also concerned that the proposal does not provide any substantive mention of Microsoft.NET. This is a potentially massive market that Microsoft has publically stated is their main focus. The potential for anticompetitive behaviour is great and Microsoft has the capability to create a very high barrier to entry for the market in short order.

I would like to provide more but the major arguments have been well thought out and detailed at http://www.kegel.com/remedy/remedy2.html . I would encourage you to visit the link.

walt

MTC–00016813

From: John (038) Trudy Phillips
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

As a citizen of the US and a long time computer user, I am distressed over the proposed Microsoft Settlement. Most of the settlement allows Microsoft to continue their monopolistic practices.

I will address two issues which are indicative of the greater problems with the proposed settlement. One, all the restrictions

only address commercial competitors. Not for profits, such as Apache, the major competitor in server software, and Linux, an operating system competitor, have no rights as the settlement is written.

Two, the proposal to give schools Microsoft technology or ''credit to purchase other products'' only allows Microsoft to monopolize the education market. The education system is so grossly underfunded that it would be forced to take the larger number of Microsoft refurbished products rather than purchase a lesser number of non-Microsoft products at retail value. Please consider modifying the settlement to truly solve Microsoft's monopolistic practices.

Sincerely,
Trudy E. Phillips
Lynchburg, VA

MTC–00016814

From: David Kingsbury
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. The company was found guilty and this finding was upheld. It would be a waste of taxpayer money to let the results of this trial be thrown out by not imposing sanctions that are equal to the crime committed. Microsoft has had similar ''wrist-slaps'' in the past and both past and current actions indicate they will not change their way of doing business unless more stringent penalties are enacted. I personally have been impacted in harmful ways by Microsoft's past (and current) actions. While I would prefer the market to penalize Microsoft for their actions, the market in this case is so damaged that other remedies are needed. They have been tried and found guilty. Please do not let them off the hook yet again.

David Kingsbury
Eagan, MN USA

These views are my own and do not necessarily reflect those of my employer.

MTC–00016815

From: me here
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

To whom it may concern,

This is my voice on the proposed Microsoft Settlement. I feel that the proposed settlement will have little impact on Microsoft as a Monopoly or the way in which they conduct business. Microsoft has proven to me, from the beginning of this trail, that they care little for consumers best interest, but simply their best interest that all consumers run ONLY their software. They have also shown that they have never cared about the voice of the people who feel that they are not just in their actions, nor do they feel that our government will have any effect to them or their business practices. When I read the proposed settlement, I find that latter could very well be true.

I am not going to begin to bring out specific points in the settlement that I feel need altered, removed, or any that need added simply due to the fact that there are documents that have already adequately described my feelings. These documents I am in the process of co-signing and they will be delivered to you as well.

I am one voice. A single voice that cries out that justice be served. A single voice that hopes that it can help make a difference. A voice that does not have great material assets to directly challenge the powers that I disagree with. But I am a voice that cries out what I believe, and when joined with the voices of others that feel as I do, I am a voice that hopes that together we are heard. Most important, I am a voice that cries out because our country is founded on the belief that everyone has a right to express their concern on issues, and that their concern can be heard, and considered when decisions are made that will ultimately effect our lives, and the lives of every citizen.

Thank You,
Brad Myers

MTC–00016816

From: Simons, Nathan P
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft settlement

Dear Sirs,

Microsoft has done irreparable damage to the computing industry as a whole, and inestimable damage to the American economy. To let them continue to practice their anti-competive practices is unthinkable, yet this is exactly what they intend to do. Since Microsoft does not have the wisdom and foresight to control itself, it is obvious that other measures must be taken before it is too late. I believe that the proposed settlement is bad. It is nothing more than yet another indulgence to a company that has had far too many. I believe that much stricter and harsher consequences must be levied upon Microsoft to bring them back into line and to help re-open the door to innovation and healthy competition that is the hallmark of American business.

I say this as an expert in technology; I have a Bachelor's of Science in Computer Science and I have been very familiar with technology for nearly a decade. I have seen many better companies and many better products than the ones that Microsoft produces be wiped out of existence merely to sustain Microsoft's profit margin. Please do not let them continue to stand in the way of progress and freedom.

MTC–00016817

From: richard_burk@hushmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

B. Appointment of a Technical Committee

8.The TC shall have the following powers and duties:

c.The TC shall have access to Microsoft's source code, subject to the terms of Microsoft's standard source code Confidentiality Agreement ...

This seems unreasonable to me. ''subject to the terms of Microsoft's standard source code Confidentiality Agreement''.

This lets Microsoft define terms of this agreement via a back door. They could theoretically design multiple agreements and have the TC member(s) essentially denied access to anything of Microsoft's choosing. They technically could have a separate agreement for each piece of code. Have the confidentiality agreement be a standard military confidentiality agreement or some other recognized unbiased confidentiality agreement. In addition, which ever confidentiality agreement is chosen will be fully reviewed to the extent that it does not compromise the TC member(s) but does protect Microsoft from TC member abuses.

What???? I just finished reading the REVISED PROPOSED FINAL JUDGMENT. What is this a slap on the wrist? What were they found guilty of? A misdemeanor? I believe that the Microsoft Corporation was found to be guilty of egregious violations of the Anti-Trust Laws. As such punishment should be comenserate or example setting as they have been found guilty of being a monopoly and for monopolistic practices.

A proper settlement would include but not be limited to requiring full source code disclosure for all products that are delivered to non-microsoft personnel the moment that they are made available to any group within the Microsoft Corporate other than the group having developed the software. This includes documentation as well. The delivery of source code as well as documentation shall be provided separatly and simultaneously at a minimum on the same media as the product.

In addition, all patents held by Microsoft, or any subsidiary, shall become public domain, without the possibility of reinstatement. Further, all applications for patents for software (including hardware encoded software) shall be summarily rejected for the duration of this judgment.

In addition, Microsoft shall warranty all of their software for a term of no less than 10 years, and shall provide full, unhindered support for all of their warrantied software for twice the duration of the warranty on said software. This provision will be in effect in perpetuity for no less than 50 years from the effective date of this final judgment.

In addition, Microsoft shall not retaliate against any OEM that seeks to alter a base installation of any Microsoft Operating System Product. Further Microsoft shall not retaliate nor require in any agreement, verbal, written, or understood the bundling of software. Microsoft shall not retaliate against any OEM for choosing to offer or install non-Microsoft products in a bundle or separately with any Microsoft Operating System Product. Microsoft shall not require payment for any Microsoft software that is not delivered as a part of an OEM offering whether the offering purchased or not. Microsoft shall not enter into exclusive agreements with OEMs. Microsoft shall not enter into agreements with OEMs which restrict OEMs from any type of non-Microsoft agreement(s).

Microsoft shall not discriminate with respect to purchasers of their software, whether it is for development, or use, or any other reason. Microsoft shall retain copyrights and trademarks for their software. Microsoft shall define those programs that constitute the Microsoft Operating System. Those programs cannot be unbundled from the Microsoft Operating System. This will form a baseline. Any programs that are added

above and beyond this base installation shall not be bundled with the Microsoft Operation System(s). They shall be offered separately at a cost greater than the cost of media plus the cost of applying said programs to the media. Additional functionality cannot be added to the baseline at a future time. This is primarily for purposes of new dlls or other executable pieces of code or software.

Changes can be made for purposes of fixing bugs/errors. Additional features shall not be added to the baseline software installation.

Sincerely,
Richard Burk

MTC–00016818

From: Greg Hanson
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement for Microsoft. I believe this settlement will not bring any harm to, or even slow down Microsoft. Microsoft has an illegal monopoly that should be punished for what it has done.

Some of Microsoft's biggest competitors are not-for-profit companies. The number one competitor of Microsoft's Internet Information Services is the Apache web server, run by the Apache Foundation, a non-profit organization. A large reason that businesses these days are changing to Linux is because of its interoperability with Microsoft products. Samba interfaces with networked computers running Windows. Wine runs software made for Windows in Linux. If Microsoft is allowed this settlement, they can use there monopolistic powers to crush Samba and Wine, making Linux look much less appealing to businesses. The non-profit companies, such as Samba and Wine, need to be able to access Windows source code in order to be able to interface properly. Without the obligation to publish source code, Microsoft will change enough code with every release too crush these companies.

These free open-source projects are the future of software. This settlement is not enough. All companies, commercial or not, need to have access to Microsoft source code and protocols. Free software is a competitor to Microsoft, but will soon be dead if the proposed settlement goes through.

Greg Hanson
SPO 900
Luther College
700 College Drive
Decorah, IA 52101

MTC–00016819

From: Muruga Simmonds (by way of Muruga Simmonds (060)muruga(a)gill.co
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

I am vigorously opposed to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Also, the proposal provides inadequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Microsoft seeks to stifle competition, rather than produce a better product.

I applauded the Clinton administration's courage to prosecute Microsoft for their anti-competitive behavior and was disgusted by the Bush administration's decision to acquiesce when the government had the superior position by rule of the full bench of the U.S. Court of Appeals. The Department of Justice's (DOJ) settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their displeasure with the agreement by not signing it. Also, the Attorneys General of 9 states and the District of Columbia found the proposed settlement to be substantially inadequate.

I hope that the results of this settlement will incourage more innovation and competition in the software industry. No one wants Microsoft to disappear, just to allow others to compete with them.

Thank you.
Muruga Simmonds
Software Engineer

MTC–00016820

From: Andy Mroczkowski
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

I disagree with the proposed settlement with Microsoft and think that another solution should be sought.

Andy Mroczowski
212 N. 34th St.
Philadelphia, PA 19104
267–248–1067

MTC–00016821

From: Peter Mastren
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I am concerned about the lack of credible competition in the home PC marketplace. A perfect example of Microsofts total dominance in this area can be found in the Fry's Electronics advertising supplement to the Houston Chronicle on two successive Fridays, Jan 11, 2002, and Jan 18, 2002. In the January 11 issue there appeared an ad for an ''Internet Ready Multimedia PC'' complete with ''Linux 1.3 Shell with Web Browsing, E-mail and Word Processing capabilities'' for $299.00 with a feature bullet item stating ''Upgradable to Windows XP''.

In the January 18 issue there appears the very same ''Internet Ready Multimedia PC'' but now ''With Bonus: Windows XP'' for $399.00. The computer is $100.00 more than it was just a week before and Windows XP is no longer an option but comes included in the ''In Store Price''.

The computer advertised on January 11 would satisify the needs of many home computer users but it is no longer available. They must now pay an extra $100.00 for the same computer and get a copy of Windows XP that they might not need nor even want.

How is this good for the consumer? How is this good for anyone but Microsoft? Where can I, as a consumer, go to find a computer that does not include Microsoft Windows? It's not possible, short of building my own computer from component parts, which is way beyond the abilities of most consumers!

Microsoft must be prohibited from including Windows in the purchase price of a new computer but should be required to offer it as an additional cost, optional upgrade. I demand the right to purchase a computer with the software I want, or no software at all, instead of being forced to pay for something I will not use.

I am concerned that the proposed settlement does nothing to prevent this type of abuse and that it will continue to be business as usual. Thank you for the opportunity to express my opinion.

Peter F. Mastren
Peter@Mastren.org
See Our Twins
http://www.Mastren.org/Twins
Houston Chronicle
Peter.Mastren@chron.com
Phone: (713) 220–7689
Fax: (713) 354–3114
If you're happy
you're
successful

MTC–00016822

From: warren thomason
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

The way things are looking now Microsoft is not being punished. The company has used its monopoly power to the detriment of the public. The punishment should be much stronger.

Thanks,
Warren Thomason

MTC–00016823

From: Joshua Jensen
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

Hello,

I don't like the proposed Microsoft settlement. If the crime is ''monopoly'', then the punishment can't be ''give your monopolistic software to our school kids''. What better way to support the propagation of monopolistic software and practices? Also, what would the actual cost be to Microsoft if they give a market value of 1 billion in software to schools? The cost of software without support is very low... because Microsoft has already paid for all the costs associated with creating the software. For every $300 boxed set of Win2000 they ''give away'', it probably costs them $5 to $10 to produce. This isn't punishment.

Thank you,
Joshua Jensen
4281 The Oaks Drive
Raleigh, NC 27606

MTC–00016824

From: Fish Christopher G Contr 46 TS/OGET
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

Please please read the article

http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

It is very important to the software industry as a whole that the points raised in this article are not overlooked.

And the author put my concerns much more eloquently then I have time too.

Sincerely,

Christopher fish

MTC–00016825

From: Bruce Armstrong
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I do not believe the proposed settlement is adequate. I add my voice in support of Dan Kegel who has created a comprehensive analysis of the problem (see http://www.kegel.com/remedy/remedy2.html). I also give support to his petition (see http://www.kegel.com/remedy/letter.html)

Bruce Armstrong
Orem, Utah
Software Quality Assurance Engineer
NTT/Verio

MTC–00016826

From: Marc Hughes
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I believe the current microsoft settlement is a BAD settlement

MTC–00016827

From: Frank Summers
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I would like to voice my objection to the proposed settlement of the Microsoft ant-trust case. It is not a fair settlement and it will have no real effect on Microsoft's predatory behavior.

Microsoft has shown a long history of putting other companies out business by using their operating system monopoly. No applications software product stands any chance if Microsoft incorporates similar functionality into the operating system, bundles their own version with the operating systrem, or can provide deals to OEMs to use their software as part of operating system licensing.

The only remedy that will promote a fair playing field for software vendors is to distinctly separate the operating system from the applications. Microsoft's operating system group must be split off into a separate company from their applications group.

Only when the operating systems group does not have such extreme conflict-of-interest in favoring one group of applications over another can the software market be open to innovation. Without it, the operating system can always be written to favor Microsoft's own software and disadvantage everyone else's. It doesn't matter how many people are watching over them, by the time the damage has been done, it is irreparable. The software market moves too quickly for after-the-fact remedies. You must take steps to pre-empt the predatory behavior from ever starting.

It has happened before, most notably in the web browser, and Microsoft has begun to usurp system control in favor of its .NET services. Can any other internet services provider compete against an application that is repeatedly offered and re-offered by the operating system itself? That is already a fact in Windows XP. No one would fund a start-up software company that might even approach competing against .NET. The next generation of innovation has already been stifled.

Reject this flawed settlement and do some real good for the economy. Force Microsoft's applications and internet services and every other division to compete on a level playing field. Separate them from the operating system and stop letting them stack the deck in their favor.

Frank Summers
Astrophysicist
Space Telescope Science Institute
3700 San Martin Drive
Baltimore, MD 21218

MTC–00016828

From: Michael Christiansen
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

To whom it may concern,

I am taking the time to add my voice in protest to the proposed settlement of the DOJ's action against Microsoft. Briefly, I am disturbed that no real action is being taken to correct or constrain the monopoly that Microsoft has illegally used to build and maintain its near-total domination of the personal computer industry.

I for one felt that the original judgment breaking Microsoft into two or more separate business entities was a workable solution. So long as sales of the operating systems can be tied to sales of applications and services (eg Office and IIS), Microsoft will continue to dominate this industry.

Microsoft's operating systems must be limited to basic services upon which new products and services can be built. An operating systems provider should not be allowed to develop or market products and services as it has an unfair advantage. The operating system provider has access to the underlying code and developers (special knowledge of the operating system), and it is able to offset the cost of developing new products and services with revenues derived from operating systems sales.

The current solution does not address any of these concerns and permits Microsoft to continue to dominate an important sector of our economy. I feel confident that if Microsoft were properly constrained, they would commit to building a quality operating system that the rest of the world could use to base new ideas and inventions upon. As it stands, the monopoly that Microsoft yields like a club will continue to stifle the innovation that they are so vocal about promoting.

Thank you for your time,
Dr. Michael Christiansen
3720 Trilogy Drive
Plano, TX. 75075

MTC–00016829

From: Joe Sislow
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my displeasure with the proposed Microsoft Settlement. The simplest reason is that there is no effective enforcement laid out within the scope of the settlement. Basically, it seems that Microsoft is free to break the rules with nothing but another long court case as a possible repercussion. All the while, Microsoft is free to continue eroding the competition until it is next to impossible to revive.

In addition, the main way that Microsoft has established and maintained its monopoly is by creating an Applications Barrier to Entry. The sections of the settlement do little to prevent Microsoft from continuing this behavior. The key area for this would be to establish that Microsoft not only open its API layer, but also any data formats that it develops. In this way, they cannot prevent rival applications from developing software that is compatible with their system or their applications.

Thank you for your attention.

''...if you drink much from a bottle marked ''poison,'' it is almost certain to disagree with you, sooner or later.''—Lewis Carroll

Joe Sislow
flynn@madopal.com

MTC–00016830

From: Kevin O'Mahoney
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern;

I have been outraged at the seemingly weak willed and weak minded actions my United States Government Justice Department is taking in the Microsoft antitrust actions. I have personally worked for companies and been exposed to Microsoft both on the business realm and with product related issues as a developer and as a user. I have worked for start-up companies which were damaged by Microsoft's business actions. And now I see my Government throwing in the towel after my fighter has scored a major blow to the opponent.

The current proposed settlement to the Microsoft Antitrust case is a sham. It is amazing that my government would even consider this as a just result.

As an example, the consideration that the implied enforcement of this settlement will be overseen and ensured by a Microsoft employee is ludicrous. This is equivalent to catching a fox eating a chicken in your hen house and then leaving the fox's little brother to insure it does not happen again, WHILE LETTING THE OFFENDING FOX STAY IN THE HEN HOUSE.

What are you thinking at the Justice Department? Have you all given up? Have you sold out? If so then save us taxpayers a lot of money, resign from your posts and go home. The vacuum you leave will be filled, hopefully with someone more interested in working for the good of the citizens.

Kevin O'Mahoney.
919 Moreno Avenue
Palo Alto, CA 94303

MTC–00016831

From: Eric Zander
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

Hello,

I am a grad student studying for my MBA and am also quite geeky - i.e. I live and breath computers. I also think settling with Microsoft in the fashion you have proposed is a really, really bad idea.

Microsoft should be forced to either:

1) Be broken into seperate companies or,

2) Be forced to open source their operating system under the GPL.

Thank you for your attention to this matter,
Eric Zander

Running to him was real. It was all joy and woe, hard as diamond; it made him weary beyond comprehension. But it also made him free.

John L. Parker, Jr.

MTC–00016832

From: Tetrick, Scott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

In my view, the remedies proposed for Microsoft are wholly invalid. The proposal do nothing to punish past behavior, and little to deter future transgressions. In order to remedy the situation, Microsoft should be required to:

*release publically all APIs, file formats, and compliance tests of the same, without compensation. The public release of information must be prior to the release of a product using those APIs and formats.

*eliminate bundling of features into the OS. All incremental features must be removable and replace-able, both by OEMs and users.

*eliminate OEM licenses that require purchase of Windows with each computer, even if this is eventually deleted.

*eliminate EULAs, retroactively, for all Microsoft products. This will allow Microsoft to benefit from its monopoly status only if it provides quality and service. Failure to provide such service by a monopoly should be punishable.

Respectfully submitted
R. Scott Tetrick

MTC–00016833

From: Paul Pelzl
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

To whom it may concern:

I am an electrical engineering graduate student who has logged many hours both using and programming computers. I have used Microsoft operating systems as well as several Open Source operating systems, and thus am intimately aware of the difficulties associated with making a transition away from Microsoft software. I feel strongly that the proposed Microsoft settlement will do little to repair the damage of past monopolistic practices, or to prevent future antitrust law violations.

I see many problems with the proposed settlement, but I will bring up just one important issue here. Microsoft Office file formats have become the industry standard. Consequently, it is impossible to correspond with many businesses without the use of MS Word and MS Excel files. I believe that a fair settlement must require Microsoft to open up the specifications for these file formats (both present and future versions), so that competing software products can interact with these files. Without this additional action, I see little hope for fair competition in the office software market.

Thank you for your attention.
Sincerely,
Paul Pelzl
1733 Broadview Ln. #405
Ann Arbor, MI 48105
Paul J. Pelzl
Office Hours (EECS 2336)
EECS 215 GSI M 5:00–7:00
<pelzlpj@eecs.umich.edu>
Tu 5:30–6:30
Mailbox: EECS 3411

MTC–00016834

From: Ben Goren
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I am writing to oppose the proposed final judgement in the Microsoft antitrust case.

This proposal is, at its heart, in no way significantly different from the previous judgement against Microsoft which was all but ignored. A slap ont the wrist means nothing to Microsoft; stern admonitions they blithely ignore.

Far more appropriate would be forcing Microsoft to fully disclose, royalty free to the entire world, all information necessary to create products that can read and interpret all Microsoft file formats and communications protocols. That way, anybody would be fully capable of competing with Microsoft on a level playing field. As it stands, Microsoft uses its monopoly power to prevent any meaningful interoperation with its products. Potential competitors can't even get started.

If you should wish to discuss this matter further, please feel free to contact me via email; telephone at +1 (480) 966 9472; or postal mail at Post Office Box 964, Tempe, Arizona 85280–0964.

Sincerely,
b&
Ben Goren
mailto:ben@trumpetpower.com
http://www.trumpetpower.com/
icbm:33o25'37''N—111o57'32''W

MTC–00016835

From: Kenneth Kang
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I feel the proposed settlement does not protect consumers and competing companies from newer technologies like media, digital rights management, instant messaging. While Microsoft does not yet have monopolies in these areas, I believe that the agreement does not prevent them from leveraging their monopoly into these industries.

Kenneth S. Kang
P. O. Box 11741
Stanford, CA 94309
(650) 497–6387
Castano 308

MTC–00016836

From: David Muir Sharnoff
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement because I do not think it will change Microsoft's behavior.

I belive Microsoft's behavior needs to be changed for a whole bunch of reasons that all stem from one basic truth: Microsoft does not play fair. The Findings of Fact are true. Microsoft has enourmous natural advantages because of its resources, and market position. Dispite these advantages, they feel that the must leverage their monopoly position in illegal ways to gain further advantage.

The proposed settlement does not make the expected costs of continuing to their behavior high enough for the cost-benifit calculations to shift their point-of-view to a new position where they would not try to get illegal leverage from their monopoly position. It doesn't come close because there is no stick. There are no big fines and there is no breackup. There isn't anything that will make them scared.

Why do I care?

I care because Microsoft technology is bad. Microsoft does well in terms of integration—making many things work together—but it does badly in terms of reliability; flexibility; scalability; and security. This last point is particularly important in this post-911 world we live in. The Internet infrastructure that so much of our economy depends on is vulnerable to many kinds of denial- of-service attacks. Most of these vulnerabilities exist because of one thing: secuirty problems with Microsoft products.

The security problems with Microsoft products do would not be a big deal if there weren't so many computers running Microsoft products. The infrastructure itself is mostly non-Microsoft but because there are so many systems that can be used to attack from at once (compromised Microsoft systems) the sheer volume of attack can overwhelmn any part of the Internet.

I avoid using and buying Microsoft products as much as possible. I cannot avoid them altogether because people I interact with create documents that cannot be viewed without using Microsoft products. This is very much unlike the rest of the software that I use. The rest of the software that I use attempts to use standards so different programs can still access the same content.

Microsoft may employ many programmers but Microsoft is not a technology company. Microsoft's primary expertise is in marketing. Much of their technology is purchased. In their recent PR work, Microsoft has asked for the ''freedom to innovate''. The freedom to innovate that they are asking for is the freedom to innovate in marketing. Technology they can just buy, but a marketing using unfair tactics requires a lot of freedom.

Who am I?

I am a computer programmer; the owner of a Internet Service Provider; and the CTO of

an Internet startup that is attempting to diintermidiate the academic publishing process and thus make academic journals more timely and more affordable.

Thank you,

David Sharnoff

MTC–00016837

From: Christophe de Dinechin
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

As a software engineer with over 15 years'' experience, I would like to comment regarding the Proposed Final Judgment in United States v. Microsoft.

The proposed remedies fail to restore a competitive environment: their weakness actually encourages Microsoft to continue with the anti-competitive practices which have successfully killed or harmed competitive products and companies such as Apple (QuickTime), Be (BeOS), Digital Research (DR-DOS), Geoworks (Ensemble), IBM (OS/2), Netscape (Communicator), Novell (Netware), and many others. All of these products were vastly superior to what Microsoft could offer at the time, and some of them had the backing of large and competent organizations. In all cases, ''dirty tactics'' from Microsoft have been demonstrated and documented widely.

To help consumers, a settlement must restore competition in such a way that the tactics applied by Microsoft against the products cited above would no longer be possible. The current settlement fails by that measure. As such, I consider it insufficient. I therefore ask you to reconsider the settlement and to take the time to ensure that it is effective.

Regards,

Christophe de Dinechin

MTC–00016838

From: PCross@gcc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I believe that the settlement with Microsoft is bad. The people of the United States will not stand for big business trampling the rights of others. I have a feeling you will be very suprised when Americans come together as one to correct this wrong. Please be careful with your decision as it not only affects us but our children.

MTC–00016839

From: Jeremiah Stanley
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Hash: SHA1

Dear Sir

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''* * * (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, * * *''

This affects my job and my hobby. I use Open Source software as a major facet of my work. Microsoft holds all the keys to software interoperating with their software, this makes things very very difficult for those of us who need to write custom solutions to complex problems.

Sincerely,

Jeremiah Stanley

Arvada, CO

MTC–00016840

From: Yuriko Horvath
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

To Whom it May Concern,

I disagree with the proposed Microsoft's antitrust settlement.

By not correcting Microsoft's past and current actions you are allowing them to continue in the future with the safty net of the court's present decision.

Sincerely,

yuriko horvath

MTC–00016841

From: Ross Beyer
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

Hello,

I'm writing to express my opinion of the Proposed Final judgement in the United States v. Microsoft case. I feel that the Proposed Final Judgement is too narrow, if not downright misleading, in it's definitions. An example is the way that it requires Microsoft to release API documentation, but competitors that might wish to make their operating systems compatible with Windows are prohibited from doing so, making the release of the API documentation an empty gesture. This is just one of the many problems with the Proposed Final Judgement, which I believe are proof that the Proposed Final Judgement does not satisfy the Court of Appeals'' Mandate. As such, I feel that the Proposed Final Judgement is not strong enough and should be reconsidered.

Ross Beyer

Tucson, AZ

MTC–00016842

From: Eric Eslinger
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

I feel that the Proposed Final Judgment in the Microsoft Antitrust case will do very little to benefit the people of the United States. The PFJ is essentially a wrist slap that allows Microsoft to continue its predatory business practices.

I feel that the crux of the matter is that third party developers of competing software and ''middleware'' are not protected at all by the PFJ. The definition of API and Middleware are overly narrow, and the actual disclosure is not sufficient.

Microsoft did a Bad Thing, and was found to be in violation of Antitrust laws. The punishment should be uncomfortable for them. Forcing them to completely open and disclose all of their operating system and application APIs would foster much healthier competition. In this market, where Microsoft tends to view bugs and security flaws as publicity problems rather than development problems, this kind of openness and the plugability it would foster would tremendously benefit not only the myriad smaller businesses that would better be able to compete; it would also benefit the end users of Microsoft software.

This is a single point about the PFJ that I feel is problematic. I do have other problems with the PFJ, and if you are interested in hearing more, feel free to contact me at any time.

Eric Eslinger,

Oakland CA

I can see a dream in your dance. I can see tomorrow in your dance! We can call it our hope!

MTC–00016843

From: Jason Smith
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

As an active member of the computer science industry and academia, the Proposed Final Judgement is truly disturbing, and seems to offer no real punishment for a company that *has been found guilty*. The restrictions are vague, and the limitations are minimal (and easily worked around). Please see Dan Kegel's excellent synopsis of comments here <http://www.kegel.com/remedy/letter.html>. Thank you for your time, and please bolster our faith in our judicial system by rejecting this PFJ in favor of one that actually punishes the guilty.

Jason McColm Smith

PhD Candidate

University of North Carolina at Chapel Hill

MTC–00016844

From: Pear
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

Dear Honorable Justices,

Please support the proposed Microsoft Federal Antitrust Settlement as it mitigates the issues that led to this suit, and allows Microsoft to focus on innovation and not litigation. Providing good relations and flexibility with computer makers, uniform pricing, and disclosure of Windows? interface will allow the necessary competition so that a host of products can be unveiled for the benefit of all consumers. The Three-Person Technical Committee will provide the crucial oversight for compliance more effectively than any judicial reorganization.

Using Californian's money to pay for continuing a costly trial is not prudent at this juncture. Please finalize the Microsoft Settlement so that all concerned parties can move forward with the crucial economic issues.

Thank you.

Matt Pear

Mountain View City Council Member and Businessman

MTC–00016845

From: Jeff Bitgood
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

Although these aren't my own words, they sum up my feelings on the settlement so well that I'd like to repeat them here:

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jeff Bitgood

MTC–00016846

From: Andy Poggio
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

The settlement currently proposed in the Microsoft case does not restore competition in the computer industry, will not prevent Microsoft from continuing its illegal practices, and is not in the public interest. It should be rejected and replaced with a plan that will accomplish these objectives.

One such plan is the following: divide Microsoft into six companies. Three of the companies have full rights to Microsoft's operating system intellectual property and three of the companies have full rights to Microsoft's application intellectual property. The three operating system companies will have no choice but to compete with each other on price, capabilities, and innovation; similarly, the three application companies will have to compete. None will have a monopoly in their respective areas.

This plan is no more radical than the ATT breakup and such a plan is the only solution to the current situation with Microsoft.

Andy Poggio

CC:Andy.Poggio@Sun.COM@inetgw

MTC–00016847

From: sstremc@imap2.asu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am NOT SATISFIED with the proposed settlement in the Microsoft antitrust trial. I will simply provide you with a link to an essay written which can describe the problems identified with the proposed settlement much more thoroughly and eloquently than I could, but are in perfect alignment with my own thoughts on the subject matter at hand. http://www.kegel.com/remedy/remedy2.html

As stated in the essay, the problems are as follows:

''1. The PFJ (proposed final judgment) doesn't take into account Windows-compatible competing operating systems.

2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs''—Dan Kegel

Sincerely,

Steven Stremciuc
19728 N. 79th Ave
Glendale, Az 85308
623.572.8422

MTC–00016848

From: JoViKo@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

DOJ-ers,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I would suggest that the officers of Microsoft be forced to personally spend time in community-improvement programs, just like other criminals do. I further suggest that the time spent be commensurate with the scope of the crimes committed. To my mind, this implies that Bill Gates would spend the rest of his life servicing recalcitrant Windows computers at community shelters around the country (and perhaps at the DOJ).

Sincerely,

John Koger

MTC–00016849

From: Dan Zubairi
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As an experienced technical consultant, I would like to point out the following reasons why I do NOT support the proposed settlement:

I. The PFJ doesn't take into account Windows-compatible competing operating systems

A) Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

II. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

A) The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

B) The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

C) The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET, and subsequent similar products with competing middleware.

D) The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

E) The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

F) The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

G) The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

H) The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents or other similar applications.

I) The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users and non-Microsoft developers, and opens the doors to potential future lawsuits against Microsoft competitors.

III. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

A) Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

B) Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

C) Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

IV. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

A) Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. Modified

implementations of Java and the Kerberos authentication protocol immediately come to mind.

V. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

A) The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

B) The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

C) The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

VI. The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you for your time.

Daniel F. Zubairi
President and Chief Architect
SydanTech LLC
7272 Wisconsin Ave, Suite 300
Bethesda, MD 20814
301–530–8590

MTC–00016850

From: Michael Arick
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the proposed Microsoft Settlement and pursuant to the Tunney Act, I am declaring my feelings now. When I have more time, I will send further e-mails detailing why I feel the settlement is so horrible, but for now, let's just leave it as that I am opposed to it.

Sincerely yours,
Michael Arick

MTC–00016851

From: Richard Sorak
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

Hello microsoft,

I think that the Justice dept's handling of the MS case borders on incompetence. To have only prosecuted MS on the Browser issue is overlooking a whole host of other violations that MS has committed over the years. MS's treatment of OEM computer manufacturers by requiring them to buy a copy of Windows for every PC they sold regardless of wether the purchaser wanted it or not is certainly criminal.

I think that the proposed settlement is entirely inadequate and toothless. MS needs to be punished in some meaningful significant way and not let off with a slap on the wrist.

Take care,
Richard Sorak
mailto:rsorak@midsouth.rr.com

MTC–00016852

From: Paul Lindner
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

Hi,

The proposed Microsoft settlement does not provide an adequate remedy for Microsoft's anti-competitive behavior and flagrant violation of court orders.

The current settlement provides too many loopholes and will quickly gather dust like the other consent decrees issued in the past. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Paul Lindner lindner@inuus.com

MTC–00016853

From: jaf
To: Microsoft ATR
Date: 1/23/02 12:10pm
Subject: Microsoft%20Settlement

Dear DOJ,

I am against the currently proposed settlement with Microsoft—it has no ''teeth'' and will not keep MIcrosoft from repeating their past abuses (which I believe was the whole point of the anti-trust proceedings). At the very least, it should be modified so that Microsoft's future actions will be subject to strict oversight and timely control should they abuse their monopoly again. Better still, the settlement should promote conditions that reduce the nation's dependence on Microsoft, by promoting interoperability and open standards.

Thank you for your time,
Jeremy Friesner
339 South Catalina Ave #214
Pasadena, CA 91106
jaf@lcsaudio.com

MTC–00016854

From: Josh Oakes
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

To Whom It May Concern-

I would like to express my dis-satisfaction with the proposed Microsoft settlement. In addition to having a number of problems discussed at length in editorials, and the internet (http://www.kegel.com/remedy/remedy2.html), I don't believe that the settlement will work to remedy Microsoft's behavior. Their monopoly power has a stranglehold on the industry and will continue to expanding into other areas, as it is even now as they leverage their weight to dominate other industries and markets. Their monopoly on the desktop OS allows them to leverage that influence to not only extend that monopoly, but to move their technologies into other industries, which they are doing with their X-box, Windows Media Player, their Desktop Applications, and the .Net strategy— all to the detriment of users and competitors, giving Microsoft the upper hand.

Joshua Oakes
915 Pacific Apt B
Morro Bay, Ca 93442

MTC–00016855

From: Betsy Byrd
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The current proposed settlement (PS) is flawed. Because of many different legal loopholes in the PS, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. Microsoft has already extended, or tried to extend, their monopoly since the start of the trial, such as:

* Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system)

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

* Imposing highly-restrictive EULAs and license agreements in XP to try to milk as much money as possible from the end user and businesses, which has already forced other governments (such as the UK and China) to consider other options besides MS software

* Using PR stunts to hide the fact that security was never a major concern of any of their products, and never will be (even though recent developments in Windows XP and Internet Explorer have proven this)

* Starting petty lawsuits to snuff out competition, in the hopes of running them out of money (such as the recent Lindows lawsuit)

* Rigging web polls and writing fake letters (from people already long dead and buried) to influence business and DoJ decisions

The government's intentions in the PS are in good faith, but the language puts too much faith in MS's interpretation of it. Dan Kegel has a great analysis of the flaws found in the PS here: http://www.kegel.com/remedy/remedy2.html In short, I feel that it's the DoJ's duty to revamped the PS and/or return to the drawing board, as its current revision is not enough to stop Microsoft's anti-competitive practices.

Betsy Byrd
Director of Member Relations
Kentucky Restaurant Association

MTC–00016856

From: Brian Street
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I stand against the proposed settlement regarding the Microsoft case. It does not punish the guilty (the tax write offs will exceed their actual cost of delivering software).

It does not provide relief to those they damaged with their practices.

Brian C. Street
8965 Cloverleaf Cir.
Parker, CO 80134

MTC–00016857

From: Jason Nyberg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

I am opposed to the settlement proposed by the US DOJ and nine settling states for several reasons:

A) It lacks an effective enforcement mechanism. Any violation of the settlement by Microsoft would be met with swift... nothing. Only after a long delay and more court time could any violation be addressed. The three-person oversight committee is effectively gagged, disallowing public

knowledge of potential Microsoft wrongdoings.

B) File formats for various Microsoft applications remain secret, disallowing effective interoperability for potential competing software.

C) Microsoft can retaliate against OEMs that provide systems that have been configured with only a non-Microsoft operating system.

D) The settlement contains numerous loopholes that could allow Microsoft to effectively bypass prohibitions on some practices that are intended to be eliminated by the terms of the settlement.

E) The settlement does nothing to deny Microsoft the fruits of the abuse of its monopoly position. Microsoft is a convicted monopolist. The 1995 consent decree against Microsoft was ineffective due to its ineffective enforcement mechanisms, and Microsoft's blatent disregard for its terms. Microsoft has shown that it can, and will, protect its monopoly by stretching and breaking the law.

Jason Nyberg (My views do not necessarily represent the views of my employer.)
8 Plasic Rd.
Merrimack NH 03054
jnyberg@gothamnetworks.com

MTC–00016858

From: Brian L. Feathers
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

To the legal representatives for the United States public, I would like to have it publicly noted that I am personally dissatisfied with the proposed settlements issued for the case of Microsoft(TM) vs. the United States. The proposals issued would not only allow Microsoft(TM) to continue its current practices, but would also allow further ''misguided'' interpretations of the restrictions that result in further exploitations by the Microsoft(TM) Corporation. As such, the proposed penalties do not appear to coincide with the best interests of the American public. I would like to thank you in advance for considering my opinion in this matter.

Respectfully,
Brian L. Feathers

MTC–00016859

From: Greg Recine
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I disagree with the proposed DOJ settlement with Microsoft. The settlement does not do enough to address the unfair business practices engaged in my Microsoft, an as a result, is bad for the computer community (manufacturers, programmers, users, etc.) in general.

Thank you for your time.
Gregory Recine
Lyndhurst, NJ
grecine@stevens-tech.edu

MTC–00016860

From: Steve Cox
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Regarding the porposed Microsoft Anti-trust settlement:

This settlement is a joke. It does nothing to stop their behavior. The Justice Dept. needs to go for a punishment that is a real punishment, and not a slap on the wrist.

Such as:

a.. Break them up

b.. force them to Open Source their code

c.. force them to document ALL Windows API's

d.. fine them and donate then money to Open Source projects

Please do not let them off so lightly. They have cost this country billions with their bug-infested, virus-friendly shoddy software.

Thank you
Steve Cox
241 West Summer Street
Greeneville, TN 37743

MTC–00016861

From: jhosage@virtc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement: Opposed

To whom it may concern:

I am opposed to the Microsoft settlement as I don't feel that it addresses the problem of Microsoft being a monopoly. If they are allowed to provide their software to the schools as part of the settlement, it only furthers their strangle hold on the market.

I support Redhat's offer to provide the software and have Microsoft provide the hardware.

Any settlement should seperate the offering of the operating system from the applications. All of the API's to in the operating system should be public knowledge, at the same time that they are available to the Microsoft application people. Vendors should not be required to bundle any software with the operating system.

Thanks you,
John Hosage

MTC–00016862

From: Ford Prefect
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

The Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparantly to Microsoft's benefit.

For these and many other reasons, the judgement appears slanted sharply in Microsoft's favor, and is an unacceptable remedy to the company's past abuses. In fact, the computing industry as a whole is rallying against this proposed judgement, just take a look at the Computer & Communicaions Industry Assoc. website: http://www.ccianet.org/papers/ms/sellout.php3

The PFJ suffers from a serious problem of ineffectiveness. And even its limited provisions (API disclosure, icon removal, etc.) rely exclusively on OEMs to provide a competitive alternative to Windows.

gene
Gene Merrill
Portland, OR
503.450.5722

MTC–00016863

From: Aubrey Alexander
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

To whom it may concern:

Microsoft is a very important company and a lot of other companies rely on them. They definitely should not be able to stifle business, but realize a lot of businesses count on Microsoft to be able to do their own business. Hopefully there is a middle of the road that keeps Microsoft doing what they do good and stops them from what they do bad. Thank you for your valuable time,

Aubrey S. Alexander
Orr's Island, Maine 04066

MTC–00016864

From: Randy Ward
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I don't think the proposed microsoft settlement will accomplish anything towards curbing Microsoft's antitrust powers.

MTC–00016865

From: markbisaha@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I've been a computing professional for over 15 years. It is my considered opinion that the proposed settlement with Microsoft is inadequate. It will not restore competition to the market, nor will it curb Microsoft's agressive tendencies.

Kind regards,
Mark Bisaha

MTC–00016866

From: Gray, Tim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully address the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past antitrust activities.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or address their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake many of the states have offered a revised settlement that addresses many of the problems in this original settlement and therefore this settlement must be rejected.

Sincerely,
Timothy D. Gray
3044 Westland Drive
Rosevelt Park, MI 49441

MTC–00016867

From: John Kindt
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Doj,

The proposed settlement with Microsoft is flawed in many ways. I find that microsoft routinely removes compatibility with other companies'' software from theirs, making it nearly impossible to use files and programs from other systems. Microsoft should be split into an operating systems company and a software company.

John Kindt
Systems
The Tennessean
1100 Broadway
Nashville, TN 37203
615–664–2187
jkindt@tennessean.com
www.tennessean.com

MTC–00016868

From: mike B
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

I am a System Administrator in California. I work on Windows and Solaris servers.

It is my opinion that the antitrust settlement has some fine points in it but does not provide for adequate regulation or penalties for violations. This settlement will NOT prevent Microsoft from further participating in anti-competitive actions. This settlement does NOT provide for adequate punishments for past anti-competitive actions.

Michael Billups
System Administrator
Agoura Hills Ca

MTC–00016869

From: Eric Gold
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The proposed settlement is a political cop-out. I am against it.

Eric Gold MD
Albuquerque, NM
University of New Mexico

MTC–00016870

From: Andrew Bond
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The settlement sucks!

Andrew H. Bond
ahb@cisco.com
OMU
p: 707–285–5843
cisco Systems, Inc.
f: 707–285–5340

MTC–00016871

From: Stephen Bishop
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

To whom it may concern:

My name is Stephen Bishop, and I am a senior in Computer Engineering at the University of Oklahoma. I am writing to express my dissatisfaction with the proposed Microsoft Settlement. I hope to point out the problems I see in this proposed settlement, and offer my own thoughts as to a possible satisfactory resolution.

(Problem 1) Availabilty of alternative OS

I am currently in the market for a new laptop computer, based on the x86 architecture. I use the GNU/Linux operating system almost exlcusively. Also, because of my concerns about Windows XP's Product Activation feature, I refuse to use it. However, there are no vendors in the US that offer laptop to non-corporate customers without a Windows OS. And it only 1 vendor (IBM) will allow individual sales of anything other than Windows XP. So essentially, I am being forced to pay for a Microsoft product I will never use.

Since the proposed remedy must make requirements upon Microsoft, not independent OEMs, I can see only one satisfactory solution: Microsoft must be willing (and provide a convinient means) to accept returns-for-refund of unused software, particulary when the user will not accept the license terms or refuses to ''active'' their product. Currently, attempts to return unused software are either redirected to the OEM, or threatened with software license audits.

(Problem 2) Corporate Licensing

Microsoft Licensing version 6.0 has caused a great deal of concern among corporate clients (http://www.cio.com/archive/011502/meter—content.html). A satisfactory rememdy must require Microsoft to offer a variety of license choices to corporate customers, including ones that allow the customer to set the upgrade pace. Remedies that allow Microsoft to require that customers always adopt the newest software version are completely unacceptable.

Possible Solution:

I am not a lawyer, simply an engineer, so this may not be feasible. Microsoft was granted a copyright for their products ''to promote the Progress of Science and useful Arts.'' It could be argued that by using their copyrights in an illegal manner (maintence and extenstion of a monopoly), that Microsoft's patents are no longer enforceable. This punishment could be applied only to those software products which Microsoft had used in an illegal fashion. Following this approach would level the playing field for competitors, and require no long-term oversight by the government. Additional steps could be proposed (such as the open release of future Windows APIs), but I will reserve comment on them. I am certain that case law exists to support the revocation of copyrights for their use in illegal acts, so it might not be necessary to argue the case on constitutional grounds.

I hope you will consider my comments, and revise the proposed remedy to address the issues I have raised. I will be available at this email address, and would be very willing to further discuss the proposed settlement.

Regards,
—Stephen Bishop

MTC–00016872

From: Ben Eavey
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

My response: NO.

I'm adding my voice to the thousands of people who KNOW that the proposed Microsoft settlement is a bad idea. The settlement does NOT prohibit Microsoft from continuing its anti-competitive practices, and in fact it may actually HELP them to further dominate and control the industry, to the detriment of the general public.

The settlement does not punish Microsoft in any way for past offenses! It simply attempts to prohibit them from abusing their monopoly further in the future. The problem is that the language of the settlement doesn't actually prohibit them from doing anything! With a few simple changes to their licensing policies, and a few minor adjustments to their operating system, they will easily outmaneuver anything laid out here.

How can a company commit illegal acts, benefit greatly both financially and in market-share, and then not be punished for those actions? Break the law, and then be told, ''well, just don't do it again?'' Ridiculous.

It appears that the court is simply agreeing to a settlement to make the whole thing go away. The settlement is unfair, unjust, and does not accomplish ANYTHING as far as controlling an anti-competitive, illegal monopoly. A settlement that is unjust is simply compounding the wrong that brought Microsoft here in the first place.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Sincerely,
Benjamin Eavey
Kentwood, MI

MTC–00016873

From: Jason Duvel
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

To Whom it may concern,:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the

American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you for your time, and please give this issue the time and thought it requires beyond ''we must settle soon.'' As the clich goes—''haste makes waste'' and it'd be a waste of the taxpayers dollars. Thanks.

Jason Duvel
13490 County Rd 7160
Rolla, Mo. 65401
shadow@rollanet.org or duvel@umr.edu

MTC–00016874

From: Gregory A. Kirkendall
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Gregory Kirkendall

MTC–00016875

From: Jon Abbey
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Comments on Microsoft settlement

To whom it may concern,

I am a computer professional who has worked in the industry for a decade, and who has closely observed Microsoft's practices in the industry since the early 1980's. I am writing to request that the settlement proposed by the DOJ, Microsoft, and the consenting states be rejected as inadequate to the damage done by Microsoft. Microsoft has been so successful in driving out all competition from the market through the power of their control over the PC platform that in many cases the only viable remaining sources of competing innovation has come from so-called free software. Free software, or Open Source, refers to software products like Linux or Apache or Mozilla, or FreeBSD, in which a global community of developers contribute their time and energy to sustaining software projects as a resource to the public.

It is unacceptable, therefore, that the proposed settlement stipulates that Microsoft be obliged to share details of their secret data formats and networking protocols only to those commercial interests that Microsoft deems worthy to receive that information. Such language in the proposed settlement is designed entirely to shield Microsoft from the volunteer workers who can not be bought or put out of business by Microsoft's huge cash reserves and industry leverage.

It is likewise unacceptable that Microsoft be given the ability to withhold any protocol information that might be related to their security mechanisms. It is, of course, true that information that could lead to the compromise of access controls on computer systems running Microsoft software would be damaging to Microsoft and the public. It is not true, however, that any revelation of protocols will have this result. Every web browser that supports encrypted communication with a web server does so through an open, industry standard protocol known as TLS. TLS is an extraordinarily well documented standard, and there are scores of individual programs on many different computer and operating systems that work with TLS. This does not in any way negatively impact the security of the TLS protocol. A security protocol is not secure because it is secret, it is secure because the mathematics of the system make it vastly impractical that anyone could muster enough computer power to decrypt a given communications stream.

Microsoft should be required to document their networking protocols in full, so that others, both commercial interests and volunteer developers, can create products to fully interoperate in a compatible fashion with Microsoft systems.

At the very least, independent technical experts not under Microsoft's pay or control should be consulted so that these two loopholes in the proposed settlement may be properly closed.

Thank you,
Jonathan Abbey
—Jonathan Abbey—
jonabbey@burrow.org—Austin, TX

MTC–00016877

From: mike@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

The settlement is flawed. It has too many loopholes and is overall too lax. Microsoft is the kind of company that will take advantage of that. I fully agree with Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html

Thank you,

MTC–00016878

From: robertr@pobox.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

I have been using computers for about 16 years now, having started on the Commodore line of computers. I have actively watched the computer industry over the years and have seen Microsoft turn into the most predatory and dominant company in the computer industry. I have read the proposed settlement and it does nothing to prevent their predatory and illegal actions nor to penalize them for illegal actions past. I strongly urge that this proposal be rejected and tougher restrictions and penalities for past illegal activies be drafted into a new agreement. Again, I am against this settlement.

Sincerely,
Rob Rati
2540 Crooked Creek Rd, Apt 202
Schaumburg, IL. 60173

MTC–00016879

From: Doug Gibbs
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

Hello,

I would like to comment on the DOJ settlement with Microsoft. I am a software developer and manager. I am writing to say the judgment against Microsoft needs to be strictly enforced, and to punish the company for their past monopolistic acts.

The proposed final judgment allows Microsoft to continue to keep competing operating systems from being sold by OEMs. The specific practice of modifying the computers boot sector when installing all Microsoft operating system makes building a dual boot system very difficult. The Microsoft product will hide the location of other operating systems, like Linux, when the Microsoft operating system is installed.

This is the equivalent of saying, if you use our product, you can use no other. Please be fair and rule for true competition in the future.

Thanks,
Doug Gibbs
SpectraLink

MTC–00016880

From: Kimura Kalidor
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

First I'd like to state who I am. My name is Krisztian Szabo, a resident of Lewis Center, Ohio. I am not a Microsoft zealot, if anything I advocate open source such as linux. My server infact runs linux as a safegaurd for the

web services and against microsoft virii. For the past four years I have been working at General Electric Lighting and General Electric Superabraisives as a Network Specilist and assistant to the previous CIO.

I write here in responce of this website : http://www.codeweavers.com/jwhite/tunney.html and many like it produced by Linux zealots, who, sad to say see the entire case as an episode of Star Wars rather then cold hard facts. Microsoft is not a big ruthless empire, it is a business that makes decent to semi-decent software, but more then this, it has been for the past 20–25 years a standard for the computer industry. Already the ramifications of this trial have been felt. Computer manufacturers have dropped the ''Made for Windows XXXX'' logo, and hardware has started becoming incompatible and expensive as it was in the seventies and even in the early eighties.

Many believe Microsoft is infringing on the rights of other companies by bundling their software with windows. First a majority of the companies that have files complaints make substandard software, and second most of them offer it for free. Case and point is Netscape. I have not know anyone who was only allowed to buy a copy of Netscape and didn't download it claiming they were an educational institution. However many people have expressed these veiws, our senators and representatives, didn't even bother to respond or listen. I am sorry to say even Sen. Voinavich whom I have known since I was in highschool turned a deaf ear.

While my fath in US judicial system had been very weak, especially with the decision of the Microsoft Case, it should have been dismissed, or at least heard by someone who understands modern day technology, of which there is no one presently in the supreme court. I still implore you to use the current settlement. It is the best way of keeping the computer industry from stagnating, it may infact fix the damage done to the economy. In addition it keeps the standards that most computers are built on, and reinforces the idea that Microsoft isn't the only company, the standards it has set on the hardware industry should not be thrown out.

Thank you very much for your time,
Krisztian Szabo
Handle: Kimura Kalidor
Address: 2770 Big Sur Drive
Lewis Center Ohio 43035

MTC–00016881

From: Randy Jenkins
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Please, carefully review this final judgement against Microsoft. I believe the wording of the document leaves sufficient loop holes and gray areas that it would allow Microsoft to continue its practices of market domination that have cost so many other companies their solvency.

I am a computer professional with over 20 years experience in the field of Information Technology. I believe that if the same barriers to the space program existed as those Microsoft has imposed upon I.T., we never would have learned to fly, much less put a man on the moon.

Randy Jenkins
St. Peters, MO

MTC–00016882

From: steve@easystreet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an extraordinarily bad idea. Microsoft has reached a very dominant and monopolistic position in the computer software field and, much like the old Bell system, must be controlled somehow. They are choking the life out of computer software innovators. Besides this, they use illegal business practices to do it. I believe strongly in capitalism, but there are certain monopolistic situations where the gorvernment must step in and control.

—Dr Steve Otto

MTC–00016883

From: Bob Pendleton
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft Settlement.

I have read the proposed settlement agreement and I see nothing in it that will actually reverse Microsoft's predatory actions or open the market to non-Microsoft products. I am particularly worried about the way they have chosen to allow businesses limited access to the actual specifications of Windows. That part of the agreement gives a small number of businesses access to the true specifications, but it BARS access to the same specifications by individuals and groups involved in nonprofit activities.

I believe that the only correct course of action is to break Microsoft up into several different companies and to declare the specification of Windows to be an essential facility. Since it is unlikely that Microsoft will be broken up then the specification of all Windows APIs must be declared an essential facility, fully documented and fully disclosed.

With the specifications posted on a public web site with paper copies sent to anyone who requests them. And, Microsoft MUST be required to fully publish changes to the APIs at least 6 months in advance of the release of any products that use or provide those APIs. This would give competitors a chance to take advantage of those APIs to compete with Microsoft.

Bob Pendleton
2410 Sparrow Drive
Round Rock, Texas 78681
Independent developer
Owner of Gameprogrammer.com

MTC–00016884

From: Swan, Brian
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

The Microsoft settlement is a bad idea. After the settlement was announced they continued about their old ways.

Brian R. Swan
ThruPoint, Inc.

MTC–00016885

From: Robert Burcham
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

The ''settlement'' is terrible. MS is a monopoly, has been found to have violated federal law, and should be PUNISHED. The ''settlement'' does not amount to punishment, and in fact appears to be more of a business dealing between two partners, rather than a resolution to a criminal proceeding.

It is shameful that this company is allowed to buy it's way out of everything. It is shameful that this monopoly has struck a deal to advertise its wares in United States Post Office storefronts.

Robert Burcham
Kansas City, MO

MTC–00016886

From: james douglass
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with Apple Computer CEO Steve Jobs. ''We think a far better settlement is for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice,'' Jobs said in the statement. source of quotation : http://news.com.com/2100–1040–276722.html?legacy=cnet&tag=tp—pr

Sincerely,
James Douglass, Center Conway, New Hampshire; Concerned Citizen

MTC–00016887

From: Lawrence Gohar
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

To whom it may concern,

As a server engineer, I am constantly faced with the undue burden that Microsoft places on my IT department. According to the terms of their varied licensing agreements, it is difficult, if not impossible in some cases, to be able to perform my professional duties. Although I am not well versed in law, I would like to point out some examples of how their anti-competitive business practices hurt the IT industry, and the population at large:

1) When negotiating with Hardware Vendors, it is often difficult to purchase a server or desktop running a competing operating system. Although I could purchase, for example, a high end server from Sun, in many cases it would make financial sense to purchase a less expensive Intel-based machine with an alternative OS preinstalled on it, or a ''blank'' machine which I could then install upon the OS of my choice. Since

MS leverages its monopoly power against hardware vendors, I usually have to pay for a license of Windows that I will never use.

2) In cases where it is deemed necessary to utilize a Microsoft operating system or product (for example Microsoft Exchange), IT professionals, are forced to also use Microsoft Outlook, which invariably means that they are also forced to use Microsoft Windows if they choose to use the Intel platform.

3) As a result of Microsoft's lack of attention to the stability and security of their products, an inordinate amount of time (therfore money) is spent patching and repairing their products to minimize downtime and to recover from catastrophic failures, viruses, and unauthorized entry into systems that the IT department is ultimately responsible for. While constant vigilance is required of any IT department regarding the maintenance of any software or hardware product, Microsoft's monopoly in this arena allows them the lattitude to be negligent without fear of reprisal from their customers.

4) As a result of Microsoft's monopoly, end users cannot easily mix and match technologies to suit their particular needs. This is especially infuriating when one considers that many people are dissatisfied with the quality of their products and services, but have no choice but to continue using them, due to the fact that their standards prevent people from taking their existing work and moving it to another system. Microsoft Office is an excellent example of this, where I cannot easily use a Word document with a different word processing package, because much of the work I had already done would need to be re-created. As a hypothetical situation, consider the scenario where Ford or General Motors created cars that crashed frequently or were overly easy to steal due to design faults; they would suffer because the car buying public would simply switch to a competitor. The public would be satisfied in this case because their transportation needs would be met, without being forced to still contribute to the offending company. In other words, if we are dissatisfied with Ford, we could buy a GM without having to buy Ford gas, Ford oil, Ford air-fresheners, etc. Free competition would guarantee that any company would ultimately be responsible to ensure that it produces a quality product with the satisfaction of the end user in mind.

5) Upon inspection, the prescribed remdies are too narrow in their focus to prevent this sort of behavior in the future. For example, many of the remedies are in regard to Microsoft software as it is applied to Intel hardware, however it is painfully obvious that they have many interests outside of the Intel marketplace, to which the remedies would not apply. Microsoft could just as easily switch their focus to, let's say, Apple and abandon the Intel platform. Because so many people are dependant on their software, they would have little choice but to follow them and be subjected to the same behavior that they currently employ. Ultimately, anyone who chooses to create a competing product revolving around the Intel platform would find themselves with very few customers. Organizations would find that they now have the added burden of throwing out their existing hardware for which they will get no return on investment, and be forced to spend additional money to switch to Microsoft's hardware vendor of choice. In closing, I realize that I'm stating the obvious, which countless others have noted before me. However, if my two cents worth can contribute to a positive outcome in this matter, I'll sleep better at night knowing that I still have freedom of choice.

Sincerely,
Lawrence Gohar

MTC–00016888

From: Scott Ames
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:10pm
Subject: Microsoft Settlement

The settlement proposal is unsatisfactory. I don't have time to point out the problems—I'm quite sure others have already done so. I realize it's difficult to do anything more than slap them on the wrist and say ''Bad giant megacorporation! Bad!''—but something else really needs to be done. Our entire economy is going down the toilet. You could probably pay for a whole lot of sorely-needed public education out of Microsoft's nearly bottomless coffers. Nothing you can do to them will hurt them - they're like an oil company, only they don't have a non-renewable resource. They have software, which can be copied. Over, and over. And sold for $100 a box. Takes a lot of oil to make $100, and look at how powerful the oil companies are.

They won't learn from this. Hit them hard enough that they remember that they can't just hide behind a staff of well paid lawyers and continue to operate their ''software mafia'' without being much more careful.

(When was the last time they were looked over by the IRS..?)

MTC–00016889

From: kapa@ingres.ws@inetgw
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Hello,

I would like to make a commentary on the Microsoft settlement as is my right under the Tunney Act.

The current settlement is a bad idea and not nearly hash enough.

Thank You,
Kenneth Apa

MTC–00016890

From: R. Jeff Garcia
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. I have not recently heard of such a bad deal. Your department must hide in shame that you would agree to such a lopsided agreement. If you want specific points, then here are my objections:

1) Punishing a monopoly abuser by helping them extend that monopoly into schools is dumb. This is hardly a punishment, and that is painfully obvious.

2) Opening up Microsoft to competition is not well addressed by this agreement. To really open them up to competition, make them publish all of their windows APIs or force them to abide by decided upon standards.

Regards,
Jeff Garcia

MTC–00016891

From: Gael Marshall Chaney
To: Microsoft ATR
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

Dear Sir or Madam:

I oppose the Microsoft settlement because it contains no enforcement mechanism and it allows Microsoft to continue some of its anticompetitive, retaliatory practices. Especially repugnant is the way it allows retaliatory practices against small original equipment manufacturers. Also, it does not address the problem of the anti-competitive way Microsoft sells its Microsoft Office software. I especially have a problem with Word. I use Corel WordPerfect because it is a much better product, but Microsoft has a near monopoly on the market by making Word and Excel documents incompatible with other word processor programs. There also may be behind-the-scene practices that I'm not aware of, but people in the Justice Department ought to be.

Thank you very much.
Gael Marshall Chaney
55 General Longstreet Court
Martinsville, VA 24112
gmchaney@alumni.duke.edu
276–638–3542

MTC–00016892

From: Russell Beattie
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

I work in the IT industry and feel that the proposed Final Judgement in US vs. Microsoft does not punish the company enough for its monopolistic practices and the remedies proposed do not restore competition. It is my opinion that since any punishment given will need to be enforced and it has been shown in the past that typical methods of enforcement have not worked with Microsoft, that it is clear to me that an irrevocable and unavoidable punishment should be given: All Windows, middleware and browser source code should be released to the public and Microsoft should forfeit all copyrights and patents to this code. They can then compete fairly with any other company in improving this code in the future.

Thanks,
- Russell Beattie
11116 Vinevale St.
Garden Grove, CA 92841
415–820–7700
russ@russellbeattie.com

MTC–00016893

From: Seon Lee
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement, comments from a US Citizen

Dear Sirs,

The current Proposed Final Judgment is insufficient in thwarting or preventing the unfettered monopoly practices of Microsoft. In its current state it still allows for many exclusionary practices to continue.

- The PFJ doesn't take into account Windows-compatible competing operating systems
- The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
- The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
- The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
- The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs
- The PFJ as currently written appears to lack an effective enforcement mechanism.

Please reconsider the PFJ in its current state.

Seon Lee

MTC–00016894

From: Randy Overbeck
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement is a bad idea. One idea that stands out in my mind is that there is no proposed monetary amount that Microsoft is being fined. They were found guilt of a Monopoly in operating systems market and guilty of overpricing their operating system which I think should translate into a hefty (it must exceed the amount of overpricing X number of units sold as to convince them not to continue the practice in the future.)

Thank you for your time and attention
Charles R Overbeck
548 Firloch Ave, Unit #2
Sunnyvale, CA 94086
(I am a US Citizen).
Charles R Overbeck,
charlesoverbeck@mac.com

''One's mind, once stretched by a new idea, never regains its original dimensions.''—Oliver Wendell Holmes

MTC–00016895

From: jdmc2@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement—bad idea.

The microsoft settlement is clearly a bad idea. I could rant for hours, but won't, as many others already have. Suffice to say, it does not serve its purpose.

James.

MTC–00016896

From: Josh Buermann
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement. I am a US citizen and an IT professional.

If any true innovation is to occur in the existing market policies must be enacted to foster interoperability through open formats, protocols, and standards. Microsoft stands now as it as stood in the past, in the way of any such possibilities. I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Respectfully,
Josh Buermann
Northwestern University: ISP, English (fprefect@isp.nwu.edu—http://www.isp.nwu.edu/fprefect/)
University of Chicago—ARTFL Program (buermann@origin.uchicago.edu—http://origin.uchicago.edu/buermann/)

MTC–00016897

From: Paul Ramsey
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I do not agree with the current settlement proposed for the MicroSoft antitrust case. MicroSoft was found to have been a monopoly and to have abused its monopoly power by the trail judge. The root of MicroSoft's monopoly power is its control over the desktop programming instructions within its Windows operating systems. Any settlement which allows MicroSoft to retain control of the desktop programming marketplace (via the Windows APIs) will not remedy the fundamental ability of MicroSoft to abuse its monopoly.

Thank you,
Paul Ramsey
pramsey@refractions.net
(250) 885–0632

MTC–00016898

From:
jason.a2.greene@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

Do not accept this settlement. If Microsoft has agreed to it the is can't be good for the people. A punishment should be just what it says...a punishment.

Microsoft will continue to dominate the Operating System market and not allow competition to develop and grow. Microsoft has already file lawsuits against the Operating manufacturer Lindows, which is Linux based and will directly compete with Microsoft in the operating system market.

The punishment imposed on Microsoft should significantly change the company in a manner that will not allow them to continue to operate in their current capacity.

This settlement does not impose that type of punishment.

Sincerely,
Jason Greene
Kansas City, KS
913–461–5221

MTC–00016899

From: Will Secrest
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

it sucks big
Will Secrest
Development Manager—IS Projects
Intercall
''Your First Choice for Voice and Internet Conferencing''
Desk: (404) 720–2617
Cell: (678) 557–7798
Office Email: wsecrest@intercall.com
Mobile Email: wsecrest@voicestream.net

Quote of the moment: ''using windows as a server platform is like using a yugo to deliver pizzas on the autobahn—it'll work, but...''

MTC–00016900

From: Adam Bovill
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I am just writing to let you know that I, as a taxpayer/voter/citizen, feel that the settlement with Microsoft does not go far enough in limiting Microsoft's actions. I feel that they have taken advantage of their position as the controling producer of operating systems with the sole purpose of making money. They have an unfair advantage and use that to control other markets. I personally think that they should be required to provide any and all information needed for a competitor to write software that can function in their operating system. Office applications are a prime example of this. Competing developers did not have enough information about the operating system to be able to create products that ran as smoothly or were integrated at tightly with the OS as M$ did.

Adam Bovill
Charlotte, VT 05445

MTC–00016901

From: Geoff Butterfield
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: microsoft has acted selfishly

Microsoft should not be allowed to simply buy or walk away from the anti-trust action.

Thank you,
Geoff Butterfield

MTC–00016902

From: Matthew Manor
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I think this settlement is an absolute travesty. After finding a company guilty of so many things, and then developing a

settlement that does not fit the findings of fact, is a complete injustice. Please reconsider.

-Matthew Manor

MTC–00016903

From: Greg Copeland
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am greatly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current settlement on the table does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize and perpetuate the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. Actions, I might add, which have repeatedly shown Microsoft does not acknowledge the authority and has no respect for the courts. There are no provisions that correct or redress their previous and willful abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is simply wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Please, I respectfully demand satisfaction be delivered and justice be served. Please allow competition by standing behind the American way of life. Force them to compete and innovate in the market place. Hold them accountable to the highest degree allowed for by law. Only then will justice and the American people of been properly served and protected by the courts.

Sincerely,
Greg Copeland

MTC–00016904

From: Jeff Avila
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

Dear Sirs,

I cannot endorse the current settlement proposal. Contrary to what knee-jerk antiregulatory business commentators might tell you, Microsoft has a history, detailed exhaustively, of preferring to manipulate markets and consumer options to stifle competition rather than appealing to consumers with better products. They must be deprived of the use of a operating system —distribution— monopoly to ensure competition.

Thank You for your time.
Jeff Avila
Systems Analyst
San Diego Supercomputer Center
University of California, San Diego

MTC–00016905

From: Tim Tate
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Tim Tate

MTC–00016906

From: Rebecca
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement concerns

To whom it may concern,

I am a citizen and a voter in this great nation. Additionally, I am an avid computer user. I am gravely concerned about the status of the Microsoft Settlement.

Microsoft Corporation, as shown by he courts, holds an unfair and illegal monopoly. The company pursues business practices that are in antithesis to the competitive spirit of American business. Their business practices, contrary to anything their Public Relations office may say, stifle innovation. Microsoft has successfully foisted upon computer users an operating system that is insecure and unstable. Businesses that dare speak out against their shady business dealings soon find that they are declaring bankruptcy.

The settlement as proposed has no teeth. It is in essence a slap on the wrist. Furthermore there are no concrete provisions for enforcement. As the settlement stands now, an internal compliance officer will be hired. I don't think it takes a psychic to see how effective that would be. If I as a private citizen broke the law, the court would not assign my uncle as the probation officer.

I am opposed to the current settlement. My tax dollars funded the prosecution of the antitrust case, and to see such a paltry settlement angers me greatly. I urge you to rethink the settlement.

Sincerely,
Rebecca Cordova
511 Broadway
Santa Cruz, CA 95060

MTC–00016907

From: Joe Nebel
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Hello,

I am strongly opposed to the current Microsoft settlement.

In the past, Microsoft has used its power of monopoly to extend & embrace new technologies. This is not my opinion, its a finding of fact in US courts. Also, Microsoft has made public comments that they intend to continue this practice in the future. And why not? It will make them a lot of money. But the customer will suffer for two reasons, a lack of competion and a lack new technologies.

Competitors are already afraid to develop competing products to MS applications like MS Office and MS Exchange because Microsoft has used their control of the OS to integrate their products better than any competitor. Many of these competitors have quit and their is little financing for any new competitor. Without competition, what will pressure MS to keep their prices and features 'competitve'?

Advancement of technologies will also suffer. Anyone financing any new technology (in a startup or an established company) must contend with the possiblity (probabilty) that MS can ''extend and embrace'' any technology that they deem profitable and that MS will use it OS to do it. This has created a very high barrier of entry into the market.

I believe MS must publish all of its APIs and file formats for its OS and applications. It must also freely license the use of this API. Unless this is done, I believe MS will eventually become the only profitable desktop software company, and maybe the only server software company. I'm sure thats great for MS, but its bad for the consumer.

John Nobel

MTC–00016908

From: Jason Waterman
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most

important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Waterman
11 Yale Road
Arlington, MA 02474

MTC–00016909

From: Douglas M Jennewein
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00016910

From: Rick Halpert
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

I disagree with the settlement in it's current form. For the following reasons:

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS–DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR–DOS, that also implemented the DOS API, and could run programs written for MS–DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR–DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR–DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Richard N. Halpert
Lotus Notes Administrator/Architect

MTC–00016911

From: Amine Korch
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is bad idea. It is too soft on Microsoft given the anti-competitive way it has run its business for the past 10 years. It will not prevent Microsoft from continuing its monopoly over the Internet Browser and Operating System market. Also let's not forget that the first Microsoft OS product (DOS) was stolen from IBM, and Microsoft has never been punished for it.

Amine Korch
Java developer/IT
Infosat Telecommunications, Inc.

MTC–00016912

From: Colin Wilson
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement

Per the Tunney Act, I am writing to express my disbelief that the proposed settlement is even being considered. Microsoft stands convicted of illegal behavior, and has more than 37 billion dollars of excess profit in the bank gathered during years of illegal conduct, yet the settlement terms include no fine. Crime should not be made profitable.

The other major problem with the settlement is the lack of effective remedies to prevent future illegal product tying behavior that was at the root of the current case. This ineffective settlement should be set aside. I am a Microsoft stockholder, and have a financial stake in the outcome of this case, but the best interests of the citizens of the United States are not served by this misguided settlement. Justice should not be so obviously corrupted by wealth—a fair remedy wll include a substantial fine for past behavior as well as an effective constraint on future behavior.

Colin Wilson
San Diego, CA

MTC–00016913

From: pat@www.purdueriots.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

This is formal notice that I feel that the proposed Microsoft settlement is unjust and unfair.

Patrick Finnegan
West Lafayette, IN, Student—Purdue University

MTC–00016914

From: Andrew Gilber
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

Please accept my comment on the proposed Microsoft settlement. I believe the agreement is inadequate and does little to remedy the monopoly situation Microsoft enjoys.The remedy does not adequately protect the consumer, and does not ensure freedom in choosing hardware, operating systems, and applications. It does not adequately ensure interoperability and adherence to public standards.

Finally, and most importantly, I feel the continued monopoly power of Microsoft threatens the open source programming community. This community is now the only viable supplier of alternatives, and is clearly their next target. Microsoft's own public comments are frightening in this regard. Please exercise your trust more wisely. The proposed agreement is a sell out, and not in the public interest.

Thank you.

Andrew Gilbert
117 Century Mill Road
Bolton, MA 01740
978–779–9968

MTC–00016915

From: Ian Felton
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

To Whom It May Concern,

Please do not allow Microsoft to continue to keep their stranglehold on a siginificant part of the future of America and the developed (and developing) world.

Do more than what is currently proposed or else all of the efforts to curb their practices will have been in vain.

Sincerely,
Ian Felton

MTC–00016916

From: Ian Ragsdale
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

I'd just like to voice my opinion that there are serious problems with the proposed settlement in the Microsoft case. It is my belief that this judgment would not do anything to significantly curb Microsoft's power. They have already shown on many occasions to be willing to use their monopoly power to hurt competitors & consumers, and need to be stopped. For a comprehensive list of reasons of why this proposed settlement falls short, see Dan Kegel's open letter to the DOJ here:

http://www.kegel.com/remedy/letter.html

Ian Ragsdale
Software Engineer (SKYLIST.net)
11511 Quarter Horse Trail
Austin, TX 78750

MTC–00016917

From: Eric
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I oppose the settlement with Microsoft. Several of my reasons are similar to those listed in this document http://www.kegel.com/remedy/remedy2.html . This document contains several good revisions, especially the revisions to Definition U , and section III.A.2.

If Microsoft can punish vendors who ship a computer that uses a non Microsoft OS, what vendor that currently ships computers with a Microsoft product will risk the loss of the Microsoft liscense? None. Another weakness of the Proposed Final Judgement is the lack of independant oversight of Microsoft. Just as the courts do not allow a convicted felon to monitor his/her own parole, Microsoft should be barred from the position of monitoring their own parole. Microsoft has shown no reason that it should be it's own parole officer.

Eric Tompkins

MTC–00016918

From: Brian Olsen
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Dear Sirs—

I believe Microsoft to be guilty of actively and maliciously abusing its monopoly power in detriment to the market. After reading the proposed judgement, it appears that Microsoft's punishment consists of being told (yet again) that they must play fair and the rules for playing fair are stated in the settlement.

I in NO WAY how this is even appropriate to the crime of abusing their position in the marketplace, and the message that is sent to other companies is that they may act as predatory and illegally as they desire, with the result that they will be taken to court to only be reminded what it means to be a moral player in the marketplace. This is totally outrageous.

Microsoft has deliberately and continually followed this course of abuse of their position in the marketplace. The punishment should be swift and harsh and hit them in the appropriate place, the loss of their ability to continue abusing their position in some fashion or another appropriate to the scope of their violations, so that other players in the marketplace will not continue to be harmed to the detriment of their owners and stockholders.

Thank you,
Brian Olsen
bnolsen@attbi.com

MTC–00016919

From: Wesley Fonvergne
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I would like to place a comment in approval of the Microsoft settlement. Working in the computer industry, I realize Microsoft has abused the power they have. However, in the same sense, I still fail to see any suitable replacement for Microsoft Windows.

As a software engineer, I can appreciate the amount of time that was spent in bringing Windows to its current form. In my opinion, an alternative doesn't exist because there has not been a company yet who is willing to devote the amount of time and dedication required to bring a truly usable alternative operating system to the computer industry. Microsoft's entire API is available, and a compatible operating system could be constructed support most modern applications, if a company were willing to do it.

I feel this settlement would fairly police Microsoft, while still allowing them the corporate freedom they are entitled to.

Sincerely,
Wesley Fonvergne
27940 Solamint Rd.
Apartment #8–101
Canyon Country, CA 91387

MTC–00016920

From: Sean Redmond
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Sean Redmond
Sean Redmond
Brooklyn Museum of Art

MTC–00016921

From: Christopher Weuve
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

Hello,

I am writing today to voice my opposition to the proposed Microsoft settlement.

There are numerous flaws with the settlement as porposed. It doesn't prevent Microsoft from taking anti-competitive action, other than Microsoft ''promising'' not to do things that it already claims it isn't doing. And the entire idea of Microsoft paying damages by donating free hardware and software to one of the last bastions of non-Microsoft systems is appalling—it's the equivalent of letting the tobacco companies pay off their lawsuits by donating free cigarettes to schoolchildren.

Please, don't go through with this plan. Microsoft for year's has believed that the laws governing fair competition simply do not apply to it. They've consitently lied and manipulated the data and public opinion. Please show that the rule of law still means something in America.

Best regards,
chrisw
Christopher Weuve [caw@kentaurus.com]
PO Box 11261
Alexandria, VA 22312

703–597–5293 mobile
703–824–2406 work
CC:caw@kentaurus.com@inetgw

MTC–00016922

From: Damon Raphael
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement
Attention:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
I am:
Damon S. Raphael, MD
1601 N Tucson Blvd, #35
Tucson AZ 85716–3409
Phone: 520–321–4345
Email: w7md@arrl.net

I am a physician and a long time licensed user of Microsoft software since 1978. I am an advanced computer user having studied computer programming at Pima Community College and continue to program, build and use computers for my business and personal pleasure.

I am a founding member of the Tucson Free Unix Group (http://www.tfug.org) and use Redhat Linux version 7.2 as my OS of choice. My business uses MS Windows 98 SE. My wife uses a Macintosh G3 with OS 9. I wish to point out to you one of the most annoying and typically disruptive practices of Microsoft:

I recently purchase a Dell Latitude CPt laptop computer directly from the manufacturer. I installed my Redhat Linux system on it and was unable to configure the modem to dial out. After many hours of trying to rectify the problem, I called Dell for help. I was informed that the modem chip on the motherboard was a ''Winmodem'' and not compatible with any other operating system except Microsoft Windows.

The same problem exists with ''Winprinters''. These dedicated ''Win'' devices use code from within the Microsoft Windows OS to implement the operation of the printer rather than code that ordinarily would be found in a chip on the motherboard of all the other kinds of printers available to consumers. Microsoft has influenced most of the printer and modem manufacturers to produce these ''Win'' devices which, when purchased unknowingly by the consumer, render it impossible to tryout or use a non Microsoft OS.

Microsoft will not release the code which drives these ''Windevices'' nor will they provide a software driver which would allow competing operating systems to use these devices. The potential loss in monetary value, lost time and aggravation to the consumer is staggering when one considers the large number of such devices out there. This is only one illustration of Microsoft's stranglehold on the consumer's options in the OS universe.

Microsoft should be forced to release the code which drives the ''Windevices'' and manufacturers such as Dell, Canon and HP should be fined for producing and selling thse devices without warning the unsuspecting consumer of the consequences of their purchase. Better still, ''Windevices'' should be illegal.

Yours truly,
Damon S. Raphael, MD
Tucson, AZ
CC:tfug-list@tfug.org@inetgw

MTC–00016923

From: Oliver Stacey
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is a bad idea. Why? As a computer software professional, I've seen first hand the effect that Microsoft has had on the software industry, using their unfair monopolistic practices to push inferior, unstable, and buggy products on the world. I believe what they have done is wrong, and I believe that it is up to the US government, specifically the Department of Justice, to punish them for their illegal acts. The proposed settlement is nothing more than a slap on the wrist; it doesn't go far enough, it does very little to prevent future anticompetitive behavior, and isn't enforcible enough.

MTC–00016924

From: Dorine
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I would like to express my displeasure at Microsoft for trying to get out of their due punishment for unsavoury business practices. They have already been convicted for anti trust violations....now I think they should have to pay for their crimes. Please restore my faith in the US Justice Department and do not let them buy their way out of this one. Free software is not enough to restore their integrity and our (as the consumers) confidence in their integrity.

Thank you.
Sincerely
Dorine Leisz

MTC–00016925

From: Brian Miller
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement in the case of US (Plaintiff) vs. Microsoft (Defendant) (Civil Action No. 98–1232).

As has been expressed by many others, the proposed settlement does little to discourage Microsoft from continuing the anti-competitive actions for which it has been found guilty. The opportunities for continued abuse by the Defendant under the proposed settlement are many and varied. As an example, I would like to direct your attention to the following:

Revised Proposed Final Conduct, Section III(J)(2)(c): ''No provision of this Final Judgment shall:...prevent Microsoft from conditioning any license...on the requirement that the licensee:...meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,''

This clause allows for Microsoft to continue to dictate who and on what terms they will open their API to. All currently shipping versions of Micrsoft operating systems (Windows 98/ME, Windows 2000, Windows XP) are Network Operating Systems by design, meaning that authorization and authentication security are designed into most of the APIs.

Allowing Microsoft to make the determination of what constitutes a ''business'' provides them the opportunity to keep in place market barriers to entry almost arbitrarily. This will have a deleterious impact on numerous commercial and Open Source projects such as SAMBA (SAMBA is an Open Source implementation of Microsoft's network storage protocols, which includes, by necessity,interfaces to Microsoft's User Authentication services). SAMBA is widely used throughout numerous US companies as it allows almost seamless integration with existing IT infrastructure while providing increased reliability compared to Microsoft's own solutions.

I humbly ask that this proposed judgment be deemed faulty and other remedies to conduct be imposed.

Very Respectfully,
Brian Miller
Arlington, Virginia

MTC–00016926

From: Lee Willoughby
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Please refer to http://www.kegel.com/remedy/remedy2.html#fix for suggested changes.

Lee Willoughby
6424 Morningside Drive
Kansas City, MO 64113

MTC–00016927

From: Michael N. Obenchain
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Dear Sirs,

I would like to ad my voice in support of imposing real penalties in the Microsoft case. If jail time was an option there might be hope of reform. In this case I have not seen any remorse from Microsoft and the very activities that got them in trouble have only slightly been reined in. Everything up to this point looks like someone trying to buy their

way out of trouble. Personally I feel that a break up of the company would be the only way to really slow Microsoft down. I am particularly disturbed by the arrogance shown by Microsoft in trying to dictate its own punishment. For example:

''The proposed remedies submitted today by the nine holdout states are extreme and not commensurate with what is left of the case,'' the company said. ''The court of appeals decision drastically narrowed the liability issues and provides the best road map as we move forward with these remedy proceedings. The settlement we reached with the Department of Justice and nine of the plaintiff states is a fair and reasonable compromise that is good for consumers and will be good for the economy. We are committed to complying fully with the proposed decree and remain hopeful that we can resolve any outstanding issues as quickly as possible in the interest of consumers and the industry.''

As this case will most definitely set future precedent, it is of the utmost importance to get it right. Do not let Microsoft off with a settlement that will play to their advantage. Did not the United States government in District Court and the unanimous seven-member Court of Appeals find them guilty? The proposed settlement would be acceptable only if Microsoft had been found innocent (of course then no penalty is applied). They have been caught and need to be taught that the public will not stand for illegal behavior of any kind. Am I optimistic that this will happen? No.

Yours truly,
Michael N. Obenchain
Michael Obenchain
Web Coordinator
Library Systems
University of Wyoming
obenwan@uwyo.edu

MTC–00016928

From: Jeff Smith
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

I am taking this opportunity to comment on the proposed Microsoft settlement. I have many issues with the settlement as it stands. Most importantly, the Proposed Final Judgement:

Does not take into account Windows-compatible operating systems.

Microsoft increases the applications barrier to entry in this market by using restrictive license terms and intentional incompatibilities and yet the Proposed Final Judgement fails to prohibit this, and even contributes to it.

Fails to prohibit anticompetitive licensing terms. Microsoft currently uses excessively restrictive licensing terms to keep competing applications from running on Windows. Similarly, Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Furthermore, Microsoft's enterprise licensing agreements (used by large companies, state governments, and universities) charge by the number of computers which COULD run a Microsoft operating system, not for the number that actually DO. For universities especially, assuming that all PCs run Windows is absurd, and a bald attempt to extort money. Similar licenses to outside equipment manufacturers (OEMs) were once banned by the 1994 consent decree, and yet Microsoft continues the practice.

Appears to lack an effective enforcement mechanism. The Proposed Final Judgement fails require advance notice of technical requirements. Fails to force Microsoft to document many of its APIs (the interfaces between application programs and the operating system).

These are not the only problems that I see with the PFJ, but merely the most striking. I beleive that the Proposed Final Judgment as written allows, and even encourages, significant anticompetitive practices to continue, delays the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should NOT be adopted without SUBSTANTIAL revision to address these problems.

Yours,
Jeffrey Smith

MTC–00016929

From: phatix
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

I personally oppose the settlement currently proposed by the Dept. of Justice. Please consider a more suitable punishment than the current settlement.

Mike Overbo
St. Paul, MN

MTC–00016930

From: Tony Perkins
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Please do not complete the Proposed Final Judgement without taking into consideration Microsoft's historic abusive practices of intentional incompatibilities and specifically prohibiting them. Please also consider very severe consequences for future abuses of this nature. You are probably looking at this as a big long project that you have nearly finished. Wouldn't you rather look back upon this project knowing you have actually done something to help the problem? Don't just let it run its course. I strongly urge you to look at it as a way that one company can put another company out of buisness. Or, look at it the way I do, as a programmer, as one company trying to put me out of a job.

Thank you.
Tony Perkins
QA Software Engineer
NTT/Verio, Orem UT
tperkins@verio.net
801–437–7567

MTC–00016931

From: K. O.
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Microsoft is a monopoly.

The settlement still leaves Microsoft with the ability to maintain and even extend its monopoly, a fact that only works against competition, consumers, and the American people in general.

(I am a United States citizen.)

MTC–00016932

From: ralph@dosser.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: comment on Proposed Final Judgment—U.S. v. Microsoft

Dear Sirs,

I wish to comment on the Proposed Final Judgment in the case of U.S. v. Microsoft. I am a world-wide-web engineer with 6 years'' experience. In and before this time, I have spent a great deal of time using computers, running Microsoft's software and others.

Throughout this time I have been appalled beyond measure at Microsoft's practices—particularly its practice of leveraging its monopoly power to ruthlessly destroy any business or technology that threatens it. In this way, Microsoft has reduced—if not elminated— competition, and prevented the distribution of superior (or at least alternative) technologies. It has generally staked claim to exclusive control of a vast sector of the American economy, to the extent that no other enterprise dare attempt to enter the field.

The proposed settlement is not even a slap on the wrist. Microsoft itself clearly knows this, and continues to behave as though it had not been found guilty in a court of law—engaging in anticompetitive conduct and further entrenching its illegal monopoly. In essence, Microsoft will have been found guilty, and then allowed to walk free with no punishment, and with no real mechanisms to prevent further abuses. Why should the company hesitate to continue to break the law both in letter and spirit in the face of such impotence of the American the justice system?

I am optimistic. I have hope that the United States Departement of Justice—at its fundamental level—cannot be bought. If the settlement goes forward as currently proposed, I will have a great deal of trouble maintaining this belief.

Sincerely,
Ralph Dosser

MTC–00016933

From: Christian B. Lahti
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial as it fails to address the following:

a.. It does not adequately penalize them for past transgressions

b.. It does not provide mechanisms to correct their anticompetitive behavior

c.. It does not inhibit their ability to commit similar actions in the future.

d.. It does not allow their competition adequate measures to overcome Microsoft's current monopoly.

Regards,
Christian B. Lahti
NeoMagic Corp.
3250 Jay Street
Santa Clara, CA 95054

MTC–00016934

From: Jay Coggins
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:21pm
Subject: Proposed Microsoft Settlement

Dear Sir or Madam:

I am a long-time user of OS/2 and Linux and I have paid careful attention to developments in the Federal/State antitrust action against Microsoft. I have read about the proposed settlement and I do not feel that it will provide the kind of relief necessary to restore competition to the software industry.

I would like to register my dissatisfaction with the proposed settlement. Please consider this a vote against the settlement. I would like to see the Department of Justice obtain a much stronger settlement, one that effectively reins in Microsoft's anticompetitive behavior.

Thank you.

Jay Coggins
University of Minnesota

MTC–00016935

From: Josef Zeevi
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

Hi. If at all possible, please do not let Microsoft off the hook. Yes, they're a big company. Yes, they've done good things. Yes, they violate anti-trust (based on the court-ruling and my own personal sense). Do not let them get away with it in a meaningless settlement.

MTC–00016936

From: Jason Peel
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: The Microsoft Case

Dear Department of Justice,

I am in total disagreement with the proposed Microsoft settlement. I feel that the proposal will not significantly change the way Microsoft operates, which is to aggressively neutralize any and all competition. This proposal doesn't actually hurt them in any way that matters; I urge you to reconsider.

Sincerely,
Jason Peel
Senior Network Architect
Network Thought Co.

MTC–00016937

From: John Langford
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

I've been amazed while watching the Microsoft vs. DOJ court case. First, I was amazed at how adept the US DOJ's prosecution appeared to be, and then I was amazed by how badly the US DOJ has failed in the penalty phase of the trial. I have studied the proposed settlement in a semithrough manner and I am aware of no clause which will inhibit MS in any significant manner.

I consider the penalty phase to be very important because MS is currently essentially in the position of an unregulated utility monopoly. This is a dangerous enough that I expect the market distortion which Microsoft generates to affect other industries in significant ways soon. I believe the US experiment with capitolism has been remarkably succesful, and I'm alarmed to see the US giving up on it. If a restoration to a real marketplace can not be achieved, please consider at least regulating Microsoft in some semieffective manner.

-John

MTC–00016938

From: Mark Wagner
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X–Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. <http://www.kegel.com/remedy/remedy2.html>

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. <http://www.kegel.com/remedy/remedy2.html>

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows Microsoft to discriminate against small OEMs— including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ as currently written appears to lack an effective enforcement mechanism. <http://www.kegel.com/remedy/remedy2.html>

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the

emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Mark Wagner, Fremont, California; Database Administrator, IBM /CrossWorlds

MTC–00016939

From: wbevis@knox.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

Settling with Microsoft is a bad idea. I think that allowing Microsoft to donate computers to classrooms around the nation would be counterproductive, to say the least. I'm not using a Microsoft machine right now because I grew up using something different. A settlement involving donation to schools would limit choice for students, and ultimately widen Microsoft's slice of the pie.

Bill Bevis, Galesburg IL

MTC–00016940

From: Michael W. Shaffer
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

I would like to add my personal voice in OPPOSITION to the currently proposed settlement in the case of U.S. vs. Microsoft. As an IT professional and a citizen, I feel that the settlment as it is currently drafted does not address the critical issues of the case, will not put an end to the offensive, condescending, and criminal behavior of the defendant, and does not serve the interests of either my industry or the citizenry of this country.

Sincerely,
Michael W. Shaffer
Network and Security Administrator
Agilent Technologies
Palo Alto, California

MTC–00016941

From: Joe merhar
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I agree with the settlement that has been reached between the Department of Justice and the nine states. This settlement is fair for the consumers and is generously fair to the competitors. I am not in favor of the competition using litigation that is costing us taxpayers and consumers money for the agenda of Microsoft competitors. The competition needs to compete like all other companies in our capitolistic system and may the best products win the competition. Lets settle this case now and focus our energies on more important issues such as the economy and the security of this country.

MTC–00016942

From: profg1@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Greene
3285 Windgate Dr.
Buford, GA 30519–1942

MTC–00016943

From: D.A. Mazzella
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I would like to express my displeasure with the Microsoft antitrust settlement proposal. I feel that the single biggest issues affecting competition are the facts that

1) Microsoft has an effective monopoly of the ''office productivity suite'' class of applications, web browser application and operating system (Windows)

2) they make it very difficult for other vendors to interoperate with their product (Microsoft Office), and stray from standards in ''embracing and extending'' them.

Potential new vendors must support the Office document formats because they are the de facto standard, but they are undocumented, and thus it is almost impossible for any potential new vendors to support them well. As a result, the consumer has little choice but to buy Office, and because it only runs on Windows, he has no choice in operating systems either.

Microsoft has forced all other web browsers into a ''nitch market'' by bundling the browser with the operating system Microsoft forces PC manufacturers to put Windows on new PC's, without the choice of alternative operating systems like Linux (Redhad, Mandrake, SuSE, etc) Solaris x86 (Sun Microsystems) or BSD (the Open BSD Group).

I feel that any effective settlement must include the following conditions:

* Microsoft must release full documentation for the existing Office file formats;

* Microsoft must be prohibited from introducing changes to these formats without releasing full documentation of the changes;

* Microsoft must be release said documentation in advance of their actual support for the changes, to prevent other vendors from having to play catch-up;

* Microsoft must participate in the development of new, open document formats, preferably based on XML and governed by an independent standards body.

* Microsoft must open the source code to their Windows operating system, there by allowing others access into the internals for better competition.

* Microsoft must release a fully functional version of Microsoft Office for Linux, Macintosh, Solaris and BSD

* Microsoft must bundle the Mozilla Web Browser with the operating system

* Microsoft must stop forcing new PC manufacturers from bundling Windows with a new PC

* Microsoft must allow the reselling of unwanted software (the website Ebay.com closes all acutions that sell Microsoft products)

The effect of these conditions would be to allow other vendors to develop a product competitive to Microsoft products for the first time in years. This in turn would open the door to competition in many other areas.

Thank you
Dan Mazzella
209 Opera House St
Henderson, NV
89012

MTC–00016944

From: Matt Hartshorn
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Much has been said of finding a win/win solution. Please keep in mind that Microsoft broke the law and is supposed to be punished. They are not supposed to win.

Matt Hartshorn—Sr. Software Engineer
Internet—matt.hartshorn@apollogrp.edu
Voice—(480) 966–5394 ext. 1723
Fax—(480) 449–2802

MTC–00016945

From: kim lee
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I used the early versions of Netscape and it was a good product. It made accessing the internet easier in the early years of the internet's evolution. I then purchased a new IBM computer with Windows 98 installed. Every time I accessed the internet, Windows would try to change my web browser to Internet Explorer. It was annoying to say the least. It also took extra steps to erase/delete the Explorer from my files. I think many people would just click on the ''OK'' button and have the browser changed, wihtout thinking about it.

Suppressing competition is a long term project at Microsoft. Just look at Microsoft's history, even the historic operating system MS–DOS was purchased from some other company in Washington state, not developed by the people at Microsoft. The core ideas behind GUI were developed by XEROX, who didn't know how to use it to their advantage.

The government lost interest, for whatever reason, in pursuing this case to a just

resolution. The punishment should be much larger than the proposals reported in the newspapers. This type of illegal activity continues to be pursued by Microsoft. Letting them donate ''free'' software to the schools is the stupidest idea possible. It'll probable have a security bug in it, hust like Windows XP. Here's hoping you find the courage to fix this problem.

MTC–00016946

From: Mark
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I've watched Microsoft grow to it's position of supreme dominance in the PC operating system and software over the last 20 years. I have watched Microsoft destroy many innovative companies and products through means that I consider unfair and unethical. I believe that Judge Jackson's findings of fact and his remedy are unprejudiced and warranted. Microsoft ''is'' a monopoly and must be disassembled. There needs to be fair competition, and Microsoft should not be allowed to continue as it has. Microsoft's proposed settlement of donating software does nothing to remedy it's wrongs. I believe that settlement is a very bad idea.

MTC–00016947

From: Dale Luck
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement comment

This is my public comment on the proposed antitrust settlement between the DOJ and Microsoft.

I earned a Bachelor of Science Degree in Computer Science from Michigan Technological University in 1979. Have been in the business of creating commercial computer software for more than 20 years.

Since the 1980's I've observed Microsoft success in the computer software area. In the 1990's it became clear to me that their strategy had moved from creating competitive software to restricting others from competing against them.

I believe the proposed settlement is definitely not in the best interest of the public. It does not go far enough to promote the creation of an environment where software programs that are better than microsofts programs will be allowed to compete in a fair marketplace.

Under ''Prohibited Conduct'', Microsoft is prevented from penalizing an oem, vender, etc. if they choose to include non-microsoft software in their product offering that also includes Microsoft Windows. This is a good start, however this does not address the problem of the implied penalty Microsoft applies to a non-Microsoft product that competes with something that Microsoft has chosen to now include with their base operating system. The penalty being that the OEM is required to pay for Microsoft's version even though the oem does not want to include it.

Why is this a problem? Microsoft, is able to further its monopoly position and even more so its monopolistic pricing by forcing customers to buy things they don't want and then charging what it thinks is its fair market value. The first example of this was Microsoft's Internet Explorer vs Netscape's Browser.

The latest example of this is Microsoft's audio media player vs RealNetworks Media Player.

It costs money to develop software. Microsoft pays for the development of its software by bundling it with the OS and then forcing the customer to pay for it, regardless of how well it works.

Companies that do not have the fortune of owning the OS for which their application will run must charge money for their software and to pay for development and return a reasonable ROI for its investors. This puts them at a disadvangate and forces almost all software developers to stay away from any products that they fear would compete with a similar product that is, or could ever be bundled with the OS.

How to fix that? The only way to fix that is to level the playing field between Microsoft and all the other software developers and companies.

To level the playing field requires 2 things:

First—Microsoft must be required to offer a stripped down Operating System without all the of Microsoft's versions of features that OEMS and customer don't want.

That will level the pricing playfield.

Second—Microsoft must publish and make available to the software development community the API's and rules used by these unbundled Microsoft applications when talking to the Basic OS.

And that will level the development playfield.

Why do we want this? Who will benefit? The true beneficiary of the above is the consumer. It is only in a truly competive software development and market environment will we see better products become available for the consumer. The present environment stifle competition, and leaves it up to Microsoft to dictate the direction of software development. It is because of Microsoft's dominance that we are inundated by viruses, spam, and slow and buggy programs. Microsoft has no incentive to improve its products because it lives in a monopoly, able to sell any halfdone program to the consumer because they can bundle it in with the OS and then charge a little more for the OS.

There are thousands of highly qualified and motivated software developers and companies that can produce better products than Microsoft for email, web browsing, realtime audio, etc. yet they are not allowed to do this for the dominate OS, Microsoft Windows.

So because of this, the American consumer can never enjoy the fruits of those talented programmers.

I agree that the proposed settlement would benefit those disadvantaged schools, but at to great a cost for the American consumer now, and in the long term it is a bad deal for the schools as well. Those schools would get technology dictated by a monopolist that is intended to benefit the monopolist.

If this were such a good deal for the schools, Microsoft should go ahead and make the donations, however those donations should not be considered part of the settlement for this anti-trust issue.

Thanks for listening to me,

I trust that the right decision will be made. It is really obvious to nearly all the rest of the computer software industry.

Dale Luck
Shoreline Communications
d.luck@ieee.org

MTC–00016948

From: spencerpries@
mclmx.mail.saic.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

As a concerned US Citizen and computer user, I am OPPOSED to the Proposed Final Judgment.

Microsoft has been clearly found guilty of monopolistic practices. However, the PFJ does not impose penalties upon Microsoft for the illegal gains it has obtained. The PFJ takes inadequate steps to restrain Microsoft from the same or similar monopolistic practices. And the PFJ, which expires after only a few years, does nothing to restrain Microsoft from the same monopolistic practices in the future.

The Department of Justice was mistaken to either propose or accept an offer of settlement with Microsoft. The PFJ must be discarded, and adequate measures crafted to penalize Microsoft for their illegal gains and restrain their monopolistic practices. As a minimum, I advocate the breakup of Microsoft into an Operating Systems division, an Applications division, and possibly an ''Other'' division. In addition, I advocate that Microsoft be required to open ALL its APIs and file formats, allowing genuine competition and innovation.

I am a co-signer of the Dan Kegel petition.

Steven Spencer-Priebe
Crofton, Maryland
Telecom Systems Engineer, Science Applications International Corporation.
SAIC is not responsible for these opinions.

MTC–00016949

From: David C. Smith
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

It is bad!

David C. Smith, MCSE, CCNP, Oracle OCP (DBA)
Principal Architect/CEO
24x7Monitored.Com—Perfected Internet Monitoring Services
Web: www.24x7monitored.com
Email: dcsmith@24x7monitored.com
Cell: 703–629–0652

MTC–00016950

From: s.hellman@isti.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to voice my concerns about the Proposed Final Judgment in United States v. Microsoft case.

I am president of Instrumental Software Technologies, Inc. We are a software consulting firm who specializes in writing custom software for the geophysical research community (Many US Universities and the US Geological Survey are our clients.) We

write software that runs under Microsoft OS's (NT, 2000, me, etc) as well as Linux and Solaris. Three quarters of our company works develops software primarily under the Linux operating system.

The Proposed Final Judgment in United States v. Microsoft prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The problem I have with this is as a commercial software development firm, we need to buy our computers from reputable sources. While we prefer to buy from companies like Dell, the effects of the above section may effectively force us to buy an OS from Microsoft for every computer in our office, even though all but 4 of our computers have had their hard disks cleared upon arrival in our offices and have Linux installed on them instead. This section effectively forces us to spend our precious monetary resources on Microsoft products that we have no intension of using.

If you have any questions, please feel free to contact me.

Best Regards,
Sid Hellman
President
ISTI
Sidney Hellman
s.hellman@isti.com
http://www.isti.com
(518)602–0001—office
(518)602–0002—fax
Instrumental Software Technologies, Inc.
Systems Integration and Software Development Specialists
CC:s.hellman@isti.com@inetgw

MTC–00016951

From: Sean Patrick Burke
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Tunney Act Comment

To whom it may concern:

I would like to voice my complete dissatisfaction with the proposed settlement with Microsoft. It is clear to all sides of this matter that the original limits imposed on the company were ineffective and ignored. Re-imposing them will only prolong the stranglehold they have over the software industry.

As an American, a college student and a computer programmer, I beg you to revise your proposal. Please consider breaking the company apart. The only way that we, the software industry, can breath is if you force apart the 800 pound gorrilla that now sits upon our chests.

Thank you for your time.
Sean Burke
28 North Street
Geneseo, NY 14454

MTC–00016952

From: Erik Burd
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

The settlement with Microsoft shouldn't be allowed. It will not remedy the core problem of Microsoft's unethical and anticompetitive business practices. The only thing it will do is extend their monopoly into schools, which the last place any real competition really exists.

Microsoft won't care a bit, as it will do nothing more than get more people using their products, who would most likely be buying their software. I see this as a big bribe offered by someone with a lot of cash burning a hole in their wallet, as they have nothing better to do with a whopping $35 billion. It's like a police officer accepting a payoff from the mob or crime ring to look the other way.

What really needs to be done is to level the playing field and allow small companies to compete in the marketplace. Many companies have been shut out of the market by Microsoft's product bundling with Windows. These small companies are the real innovators, and they are the companies that must be allowed to exist. Otherwise, we will all lose the innovation that's required for us to make the next big step forward. Microsoft couldn't come up with an original innovation if it's existance depended on it.

I was extremely disappointed with the DOJ, as they snatched defeat from the jaws of victory. I'm happy that the nine states are going ahead on their own lawsuit to set things straight. I hope something does happen, but I have some doubts in the back of my mind. A very strong action must be taken, or Microsoft will only continue with their monopoly.

My thoughts on restoring competition:

1) Remove all bundling of Internet Explorer from all versions of Windows. Make it an optional download.

2) Additionally, remove any tying in of their other products (Windows Media Player, etc.) to Windows. There was a recent security bug in Internet Explorer which was fixed, ironically, by updating Windows Media Player. Make them optional downloads, too.

3) Punish Microsoft for their anticompetitive behavior, and hard

4) Ensure that small startup companies are allowed to innovate and create the next generation of software, without being bullied around by Microsoft.

5) Create a marketplace that will allow the computer users to determine who has the best product.

6) Take strong steps to protect competition.

Thank you for taking the time to read my letter.

Erik Burd
Sunnyvale, CA

MTC–00016953

From: Sean McAdam
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

To whom it may concern:

I write this as a computer professional who makes a living by consulting in the computing field.

I find it hard to believe that after Microsoft was found guilty of monopolistic practices that the settlement proposed by the DOJ would simply let them off the hook with—NOT—even a slap on the wrist. The settlement only serves to entrench the status quo, basically allowing MS to continue their current practices while paying lip service to the consumers.

As an avid computer user, and someone who makes his living from providing computer consulting and services to my clients I can see first hand how boxed in we as a nation are by the continuation of the monopoly that is Microsoft. The citizens of this nation deserve better.

Some alternative possible remedies:

Spin off the development tools section of MS, so that the tools and the OS cannot be tightly integrated. This would allow for other software product developers to have a fairer shake at competing with MS.

Force full disclosure of the windows API, both win32 and the native API. Force full disclosure of the various document formats used in Word, Excel, Access, etc. Require that any changes are published in advance.

Without a settlement with some teeth in it we are worse off then we were before the trial started. As you can tell I am very much opposed to the settlement, if you can call it that, in its current form.

Thank you for your time.
~Sean

MTC–00016954

From: Mark Jacob
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the current proposed settlement the the Microsoft Antitrust case is inadequate, and needs major revisions.

Mark Jacob

MTC–00016955

From: Matt Dew
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement with Microsoft is a very bad idea. They have shown their sole interest is Microsoft's profits and stock value and not the consumer.

thank you,
Matt Dew

(Any comments above are strictly my own and not necessarily in agreement with my employer.)

Matt Dew
SEAKR Engineering, Inc
6221 So. Racine Circle
Centennial, CO 80111
Ph: (303)790–1305 x238
Fx: (303)790–8720

MTC–00016956

From: Asiel
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00016957

From: Keith Anderson
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
US District Court for the District of Columbia

Comments about US v. Microsoft proposed settlement

I feel the remedies suggested by the proposed settlement do little to deter or punish Microsoft for actions and behaviors proven to be anticompetitive and illegal. Most egregious in my mind, however, is the position Microsoft will be in to stifle and lock out the Open Source movement.

As a developer of Internet solutions, I am quite familiar with the long and brutal conflict between Open Source tools and Microsoft tools and the gulf created between the two camps. Microsoft has been making steady inroads to the server and Internet markets simply by the virtue of their monopolistic position. By breeding ubiquity in the desktop market, they have orchestrated lock-in to the server market using closed and inoperable APIs, proprietary protocols and (even worse) embracing open protocols and modifying them with non-open extensions. All of these tactics are designed to put third party, and specifically, Open Source tools at a disadvantage when used with their desktop systems.

The settlement stipulates that Microsoft open ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' (section D) as well as ''any Communications Protocol that is, ... (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively ... with a Microsoft server operating system product'' (section E). Both sections are a step in the right direction and force Microsoft to allow independent developers the ability interoperate with Microsoft systems freely.

However, section J.2 limits this condition by requiring that for anything related to ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms'', a third party developer must meet these requirements in order to gain access to said information:

(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights,

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification

These conditions are applicable to businesses and for-profit entities, but specifically lock out any Open Source projects or anyone who does not have 'reasonable business needs'. Additionally, with Microsoft focusing on its new '.NET' strategy of distributed application programming, almost EVERY aspect of development will fall under 'authentication/authorization security' since almost EVERY aspect of the protocol, API or documentation will run across public, untrusted networks.

Given Microsoft's record of finding miniscule loopholes in past judgements and exploiting them to further their control and flout the law, this one strikes me as particularly onerous (not to mention ironic). It wouldn't surprise me to learn that Microsoft's complicity with this proposed settlement is based quite largely on the fact that .NET will make the entire thing moot on this point, and at the same time provide an absolutely crushing blow to the Open Source movement which they deem such a threat.

I sincerely hope that this settlement is rejected or at least amended to address these concerns. Thank you for your time.

Sincerely,

Keith M. Anderson

MTC–00016958

From: Kathleen Much
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I strongly oppose any settlement that allows Microsoft to maintain its predatory monopolies in software and Internet access.

Rather than donating Microsoft software and Wintel hardware to schools, the company should be required to donate Unix and Apple software and equipment. Even a very large donation wouldn't dent Microsoft's monopoly position, but it would be more just than Gates's proposal, which merely entrenches it.

Microsoft's arrogance and unconcern for its customers should not be encouraged in any way. Its software is shoddy, full of bugs, vulnerable to hackers, and hopelessly behind its competitors, but its vicious practices have made it supreme in the marketplace.

For the record, my retirement plan owns Microsoft stock. I still strongly oppose the company's practices.

Stop the insanity. Break up Microsoft.

Kathleen Much
128 Hillside Ave.
Menlo Park, CA 94025
(650) 321–2052

MTC–00016959

From: Michael Winecoff
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

Dear Sir/Madam,

The proposed Microsoft settlement is inadequate, and I believe it is inadequate because it has been influenced by lobbyist. While it may often be true that the fat cat with the biggest pockets can buy the best defence, ''this proposed settlement'' is being watched with shame by many Americans who may own a computer, but live financially at the poverty level, such as myself.

The whole thing is disgraceful.

Michael Stowell Winecoff, LMP

MTC–00016960

From: Allan Folz
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I am writing to express my dissent with the proposed Microsoft Antitrust settlement. The area I find it most lacking is assurances to the non-commercial developer community (GNU/Linux, Apache, sendmail, etc.) that they will be able to write software that interoperates with Microsoft products, and likewise Microsoft products will not be written so as to actively interfere with non-commercial software. This has demonstrably happened in the past, the most notorious of which was Windows 95 interference with the LILO boot loader program.

In fact, the whole judgement is geared towards commercial interests, the systems and procedures commercial interests share in common, and the financial redress commercial interests can objectively compute. The non-commercial community has its own unique characteristics and requirements that don't easily follow with those of commercial interests. However, the non-commercial software community is so vital to the high-tech economy and society of modern America that putting in place the special rules required of it is just as important as those required of commercial interests.

Sincerely,

Allan Folz
901 Sw King Ave Apt 1012
Portland OR 97205

These views are my own and should in no way be construed as necessarily endorsed by my employer.

MTC–00016961

From: Stuart Beaton
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

As allowed under the Tunney Act, I wish to register my protest to the Proposed Final Judgement in the U.S. vs Microsoft case.

The PFJ will do little to restrain the anti-competitive behavior of Microsoft. This company has shown its disdain of the courts in its non-compliance with previous court orders and in its behavior during this proceeding. The PFJ suffers from many faults; choosing one example would be that the PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, and goverments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,

Stuart Beaton
Research Scientist
ADA Technologies, Inc.
8100 Shaffer Parkway, Suite 130
Littleton, CO 80127

MTC–00016962

From: Hatton, Robert J

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I'm concerned that the proposed agreement won't be enough to change the reality of Microsoft's domination of the industry. We need the kind of decisive action that was taken against AT&T to make a difference!

Rob Hatton
BillXchange Developer
robert.j.hatton@usa.xerox.com
310.333.2364

MTC–00016963

From: Brett Sanger
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

As an American citizen and computer user, I am opposed to the proposed settlement of the current Federal Microsoft antitrust case.

I am a strong proponent of capitalism. History has proven that capitalism is the most effective way to create a strong industry that provides service for the consumer. History has also shown that capitalism fails if a company gains a monopoly in their industry, and focuses their efforts on crushing competition using methods OTHER than providing superior or more efficient service.

Microsoft is just such a monopoly, and the courts have accepted that they have done exactly such actions. The proposed settlement does nothing to prevent them from continuing such actions. Microsoft's treatment of the 1995 consent decree and their actions in the courtroom show that they have little respect for such settlements. Since the proposed settlement would allow Microsoft to essentially choose their own definitions for certain terms, and has little in the way of enforcement, it will have little to effect in preventing their criminal actions.

I cannot accept the proposed settlement as an effective remedy to the criminal acts that Microsoft has been found guilty of.

MTC–00016964

From: Jacoby, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I'm very concerned about the settlement, especially the requirements for opening the APIs. Those requirements don't seem to cover most of the Windows APIs, and would easily be sidestepped.

Dave Jacoby
jacobyd@arnett.com

Microsoft treats security vulnerabilities as public relations problems.

—Bruce Schneier

MTC–00016965

From: jtraver@liberate.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I believe the settlement with Microsoft is inadequate to prevent them from continuing their illegal practices.

John Traver

MTC–00016966

From: Jeb Campbell
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

This settlement is bad.

Force them to open office api's and windows api's to give people a choice. This is asking very little, they open the api's, we will do the hard part of coding replacements.

Also no major distributor (Dell or Gateway), can sell computers that boot into Windows and another os because of their oem agreements. Microsoft's only punishment should be that they must compete—make them open the office and windows api's, and let major distributors sell linux and windows—and let consumers decide if they want to (they don't have a choice now) spend $400 dollars a year to type a letter.

Jeb Campbell
Small business owner
College student—Engineering major
Concerned Citizen that Microsoft will not have to compete

MTC–00016967

From: Ben Rolling
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I think all of the settlements proposed so far in this case are lacking. Anything that lets Microsoft continue to use their monopoly to remove any fair competition (as they have continued to do throughout the course of this trial) is NOT good enough.

Please don't settle until you find a punishment that fixes the problem.

Thank you for your time.

Ben Rolling
Los Angeles, CA

MTC–00016968

From: Robert Melton
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I am an application developer at the DC Metro Police Department. One of the things which the Proposed Final Judgment in United States v. Microsoft does not cover is file formats. This single omission makes the judgment weak.

File formats are one of the driving forces trapping consumers with windows and removing their freedom of choice. It causes a chicken and egg problem. Your workplace can not switch away from Microsoft because it is what you have at home. You can not switch away from Microsoft because it is what you use at work. This cycle leaves consumers feeling trapped; they need Microsoft just to be able to function.

If Microsoft file formats remain undocumented, third party developers will never be able to make a dent in their monopoly, and third party operating systems will never have a chance. Undocumented file formats create a much higher barrier to entry.

Robert Melton
2400 S. Glebe Road
Arlington, VA, 22206

MTC–00016969

From: Trevin Beattie
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

While most of the text under section III, ''Prohibited Conduct'', looks good; I believe there are problems with some of the definitions listed in section VI. To wit:

A: ''Application Programming Interfaces (APIs)'' is defined too narrowly by restricting it to those APIs used by Microsoft Middleware. The general definition of API is ''the interface (calling conventions) by which an application program accesses operating system and other services.'' In the context of the PFJ, the definition should apply to interfaces used by Microsoft and non-Microsoft middleware and applications.

D: ''Covered OEMs'' does not cover all OEMs.

J: The definition of ''major version'' is easily misconstrued; for example, a version number of 7.0.0 would not be considered a major version under the given definition. The major version number is the part of the number to the left of any decimal point. Therefore, a major version must be identified by a whole number or by the part of the number to the left of any decimal point.

The version numbering of a product should not be used to determine whether that product constitutes Middleware.

—Trevin Beattie
930 N. Palm Avenue #238
West Hollywood, CA 90069

MTC–00016970

From: Dan Willson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:27pm
Subject: microsoft settlement

Fellow Americans at the Department of Justice:

The proposed final judgement (PFJ) in the Microsoft antitrust case fails to prohibit anticompetitive license terms currently used by Microsoft. This is just one of many problems with the proposed settlement—other problems include but are not limited to the PFJ failing to prohibit anticompetitive practices towards OEM manufacturers, failing to prohibit intentional incompatibilities historically used by Microsoft, and the misleading and overly narrow definitions and provisions outlined in the PFJ.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. More importantly, the PFJ does nothing to correct Microsoft's past actions or redress their previous abuses.

Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on the Windows platform. Open source software is the technological equivalent of free speech, so this is an area which must be addressed with regard to the Constitutional liberties of American citizens. All products should be given a fair chance to succeed in the marketplace—licensing terms currently used by Microsoft do not allow this to happen.

EULAs (End User License Agreements) which absolve Microsoft of all liability are a

disgrace to the free enterprise system, as they leave users with no rights for products and/or services they have purchased with their hard earned money. Imagine if Ford and Firestone made computer software—both companies would be free from their responsibility in the rollover deaths attributed to the Ford Explorer incident. Imagine dining at a restaurant and getting food poisoning, only to discover that the establishment can not be penalized because there are no health and safety laws to protect the consumer from gross neglect. Now imagine that your small business has paid a king's ransom for Microsoft software and services, gets hacked and loses data (I.E. loses business) because of a security hole in the Microsoft software, but they can not gain financial restitution for goods and services they have purchased. Clearly there is a double-standard with the computer software industry when it is compared to other service industries. The PJF should take such matters into consideration and hold corporations like Microsoft accountable for their neglect, as they are providing a service. Microsoft's enterprise license agreements—those used by large corporations, state governments, and educational institutions charge by the number of computers which ''could'' run a Microsoft operating system—even computers running the open-source Linux or BSD-based operating systems.

Similar licenses to OEMs were once banned by the 1994 consent decree. Clearly these are monopolistic tactics—how else could a corporation force their clients to purchase goods and/or services that are not necessary?

Please take these points into consideration and reconsider how they affect the United States Constitution with regard to personal liberties. Computer software manufacturers should not be allowed to dictate the progress of this nation for the sake of their profit margins, all while hiding behind the facade of progress—allowing such practices to continue not only disregards the essential liberties of the typical American consumer, but disregards volumes of American legislation to curb monopolistic practices. The opinions expressed above are my own—with some assistance from the Web-based community of information-technology professionals—and does not represent the opinions of my employers. Thank you for your time.

Daniel Willson
Web Content Coordinator
UAB Media Relations
University of Alabama at Birmingham
ponyboy@uab.edu
(205) 975–2825
http://www.uab.edu/news/

MTC–00016971

From: Leif Steinhour
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Hi:

I'm writing to let you know that I think the proposed Microsoft Settlement is a bad idea. There aren't any teeth in the proposal and I don't feel that it is in the public interest. There are lots of reasons for why I feel this way: you should read an excellent article at http://www.kegel.com/remedy/remedy2.html#public—interest that describes some of the many ways the current proposal fails. To me it seems like a company that has violated numerous statutes (the Sherman Act among others) is going to walk away without any real punishment because the new settlement too narrowly defines the API's, has all kinds of holes in what Microsoft must disclose, etc.

My vote is that you scuttle this proposed settlement.

Let me know if you have any questions...

MTC–00016972

From: Paul V Gestwicki
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Please add mine to the myriad voices crying out against the proposed settlement. More time needs to be spent on creating a settlement that gives proper recompense to those who were hurt by Microsoft's previous actions.

Thank you,
Paul Gestwicki
1525 Amherst Manor Dr, Apt 311
Williamsville, NY 14221

MTC–00016973

From: jim.quinn.b@bayer.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Being a casual observer of the Microsoft antitrust case over the past years, I have found at least one ,what I consider to be, extremely serious flaw in the proposed settlement. The settlement involves giving away micrisift products to schools, one of the very few markets Microsoft still has viable competiton in (by apple which they own a part of). Giving their product away in this manner will only serve to increase their monopoly in the operating systems market, by marrying their product to the national education system, by creating more, wider, exposure (and hence proficiency, and dependance) to the Microsoft products. Giving away ones product well below cost is an illegal tactic used by businesses to gain market dominance, and drive competitors out of business. Microsoft has used this tactic in the past to dominate the operating system and office suite market by providing extremely weak copy protection on their products ensuring that they could be easily copied and distributed by casual computer users to their friends. I do not find this a suitible punishment for a corporation convicted of violating antitrust laws. In my opinion, having microsoft purchase, and donate a competing product to the schools, or better yet, providing support for open source software in the public schools would do infinitely more to remedy the monopoly situation.

In addition, due to recent laws making it illegal to reverse engineer a product like microsofts windows operating system (like was done with the IBM PC leading to the ''IBM Compatible''), I believe Microsoft should be forced to publish and ducument ALL of their API's to facilitate the production of a compatible, competing product that can run the same software applications on the same hardware.

Sincerely,
Jim Quinn
Jim Quinn
Getronics
Desktop Support on site at
Bayer Pharmaceuticals
203.812.3097 PHONE
203.812.3668 FAX
jim.quinn.b@bayer.com EMAIL
(Embedded image moved to file: pic09931.gif)

MTC–00016974

From: Grant Hulbert
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I object to the proposed Microsoft settlement for many reasons, but one of the biggest is that Microsoft charges large institutions site-licenses based on the number of machines that *could* run Windows, even if they happen to be running other operating systems like Linux. This in turn causes those large institutions to rethink their OS strategy, and in many cases they *require* all users to use Windows because ''Hey, we're already paying for it''. This is inherently anti-competetive.

Grant Hulbert
Director of Engineering
Blue World Communications, Inc.
<mailto:GrantHulbert@blueworld.com>
''bring business to the internet''

MTC–00016975

From: Lee Nelson
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I oppose the proposed microsoft settlement as it is full of wide open gaps for Microsoft to further exploit their monopoly, and they will if history is any indication. Please consider this a vote against the current settlement, I believe it will harm both American businesses and American consumers and will hinder the development of competition and technological innovation. I would encourage the court to seek a solution that would try to re-level the playing field so unjustly tilted by Microsoft in all desktop PC software arenas (OS, office suites, media, communications, internet, and others) by enforcing a policy of open (to all) source-code and open (to all) standards in all of these areas, including file formats, interfaces, features, etc.

Thank you.
Dr Lee Nelson
29 Sprague Rd
Scarsdale NY

MTC–00016976

From: Kyle Hasselbacher
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

Under the Tunney Act, I want to comment on the proposed Microsoft settlement.

The PFJ supposedly forces Microsoft to publish its secret APIs, but the way it defines ''API'' is so narrow that there are many

important APIs that MS would not have to publish.

Everything I've heard about the proposed settlement makes me think that it will make no difference to MS. They'll continue to play the same dirty tricks they always have, using loopholes like this one. Please settle this case in a way so that MS really does have to play fair in the future.

Thank you for your time.

Kyle Hasselbacher

kyle@toehold.com

MTC–00016977

From: Steve Schiff
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

As a technology professional, I have been following the Microsoft case in the news fairly closely. I am writing to express my deep dissatisfaction with the setllement of the case as it stands today.

I believe that Microsoft wields near monopoly power through the monopoly of the desktop operating system, which they have extended to a monopoly on office applications, the browser, and now, through the .net initiative, to the very infrastructure of the Internet.

Having been a party to many business planning sessions as a technology professional, I can tell you that it is tantamount to career suicide to propose writing end user applications to any platform except Windows. It is becoming increasingly difficult to propose infrastructure alternatives to windows in the data center.

In my view, left inftact, Microsoft will eventually own the end to end application environment. This ownership will allow Microsoft to extend it's dominance to services albeit at a slower pace.

While I believe a structural remedy to be the most productive resolution to the case, and one which would unlock the most shareholder value, I believe that an alternative exists, which is quite simple to enforce and to demand:

Microsoft should be required to provide their applications and application services on a minimum of three alternative operating systems.

This would have the effect of increasing acceptance and adoption of alternative operating system and processor options, and would in turn create an environment where alternative server operating system and applications could compete on a more level playing fiele.

Please focus on this case. It is critical that the government do more than the present settlement to assure a competitive technology environment which will continue to secure the US dominant role in technology innovation.

Regards,

Steve Schiff

MTC–00016978

From: Ricky Musci
To: Microsoft ATR
Date: 1/23/20 12:28pm
Subject: Microsoft Settlement

I feel the current Microsoft settlement in no way deals with the problems of their monopoly. This is barely even a light slap on the wrist. As an American, I care about quality in the products I use. Microsofts total dominance in a number of fields gives them a license to ignore quality. They have no competition, so they have no need to improve their products. Please reconsider the Microsoft settlement.

It ignores the consumer and feeds an unreliable company.

Ricky Musci
System Administrator
The Nautilus Institute
(510) 295–6119

MTC–00016979

From: Howard, Chris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

I personally think the Microsoft antitrust proposed settlement does not go far enough in it's attempts to limit future monopolistic activity, or even current monopolistic activity, by Microsoft.

This may or may not be the position of my employer... I haven't asked them.

Chris Howard
CIS Database Administrator
Platte River Power Authority
(970) 229 5248

MTC–00016980

From: John Ivory
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

It seems to me that there's a lot more than a single anti-trust issue at stake; it's the general faith that people can or should put in their government.

If Microsoft is allowed to walk away with the minimal sanctions and punishment that have been proposed, it will be an injustice on a scale similar to the crimes of Enron against it's employees and stockholders.

Please, look at the facts here, and not the spin generated by people on Microsoft's payroll. They abused their monopoly, and will have every inclination to continue doing so.

I've been a software engineer for 20+ years. I've started two succesful software companies. I'm not some young hacker. Microsoft is a wart on our industry. Please take action.

Thank you,
John Ivory
Integrated Sensors
http://www.sensors.com
ivory@sensors.com
315–798–1377
CC:John Ivory

MTC–00016981

From: Michael Bowen
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: the proposed settlement between the Justice Department and Microsoft

Greetings,

I would like to comment on the proposed settlement between the Justice Department and Microsoft.

The proposed settlement does not adequately address the damage that Microsoft has done to the computing industry. For example, the definition of an API is too narrow. In order for there to be a level playing field, all of APIs of the Windows operating system must be completely documented. This way, Microsoft will not have an unfair advantage over third party vendors who wish to write applications. The settlement also fails to address file formats. It is very important that Microsoft releases information about its currently undocumented file formats (like word documents ''.doc''). Microsoft has an unfair advantage over third party vendors when writing office software because these vendors can only guess when it comes to reading or writing word documents, excel spreadsheets, and others.

I feel that the settlement should be reworked, so that it will prevent Microsoft from engaging in any more monopoly practices.

Thank you,
Michael Bowen
software engineer at St. Jude Medical
Sunnyvale, CA
CC:mike@darkhalls.org@inetgw

MTC–00016982

From: Dexter C. Palmer
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

To Whom It May Concern—

I am a United States citizen, and have been a frequent computer user since 1985. Over time, because of Microsoft's increasing monopoly of the marketplace, I have found it increasingly difficult to conduct my daily necessary business without resorting to Microsoft products (which are often poorly coded and insecure when compared with competing software). This is mostly because of Microsoft's well-documented monopolistic business practices, as well as incompatibilites (intentionally created by Microsoft) between its software and that of most other software and operating systems, as well as earlier versions of Windows. By now, it is literally impossible for me to communicate with anyone else in my workplace, or most others, without using Microsoft products (since Microsoft now has an effective monopoly with the ''office suite'' class of applications: in the case of Microsoft these include Word, Excel, Outlook, Entourage, and Powerpoint).

I feel that the proposed Justice Department settlement does not adequately redress the wrongs committed by Microsoft, for it does not sufficiently prohibit future abuses, nor does it offer remedy to the end user for previously committed infractions. I respectfully ask that it be reconsidered.

Sincerely,
Dexter Palmer
24 Quarry St.
Princeton, NJ 08542

MTC–00016983

From: Tom Termini
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement—break up the company

As an Apple developer, I support a settlement that is fair and results in undoing

the damage done by Microsoft's illegal actions in the marketplace. Obviously the impact on the internet by MS's illegal tying of IE has limited choice, stiffled innovation, and slowed the spread of the beneficial technological resources engendered by the net.

As far as a critical BROADBAND resource being adversely impacted, Apple's QUICKTIME digital video technology has been shut out by MS's on-going efforts to dominate this niche.

In the area of education users, the proposed (and now rejected) settlement where MS would donate software to schools would have just improved MS's hold on an important market niche.

We struggle every day to educate potential customers about the pitfalls of a MS-only environment. The company has been unfair and used their (derived from illegal monopoly revenues) warchest to lock out open competition and eliminate choice. We can see from the security issues surrounding MS that having no choice doesn't just cost consumers more money—it also opens the door to malicious and potentially huge damage from miscreants.

Ubique,
Tom Termini
BlueDog
http://www.bluedog.net

MTC–00016984

From: nikhil dhruva tilwalli
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: On the Proposed Final Judgement

To Whom It May Concern:

In accordance with the Tunney Act I am submitting my opinions on the proposed government settlement with Microsoft in regards to the pending anti-trust case.

I am firmly opposed to the current proposed settlement term in the Microsoft case. The terms do no fully redress the actions committed by Microsoft in the past, nor their ability to commit similar or anti-competitive actions in the future.

Many of the provisions in the current settlement will not effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. In view of Microsoft history of anti-comptetitive practices correcting this is vitally important.

A few issues that have been brought to my attention are:

1) The settlement does not take into account Windows-compatible competing operating systems. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The settlement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

3) The settlement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4) The settlement Fails to Prohibit Anticompetitive Practices Towards OEMs. The current settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Please refer to http://www.kegel.com/remedy/remedy2.html for other issues that must be addressed for the settlement to be fair and equitable to all interested parties.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. I implore you to look into these and the other issues before before pursuing closure on this matter.

Sincerely,
Nikhil Tilwalli
Assistant to the Dean
College of Engineering
University of Illinois, Urbana

MTC–00016985

From: Bruce E. Birch
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I feel that the rate of technological growth has been retarded due to Microsofts illegal Monopolistic practices. Competition promotes growth and is one of the more important attributes to the U.S. Microsofts crimes have had a profound negative impact on how we know and utilize technology. This effect will continue to happen if the settlement is not as profound. I feel the proposed remedy will not effectively promote fair business practices and competition.

Technology is our future, and to trust our future with one establishment will be disasterous. Please re-evaluate with our future in mind.

Thank you
Bruce E. Birch
U.S. Citizen, Information Systems Administrator, Open Source Software Advocate

MTC–00016986

From: Tim
To: Microsoft ATR
Date: 1/23/02 1:26am
Subject: Microsoft Settlement—BAD!

The terms of the settlement that the DOJ reached with Microsoft are BAD! MS has proven they will not respect the spirit of any court decree, and will bend and push the letter of that decree until there are enough loopholes to let them continue with business as usual.

MS has built a huge pile of cash reserves, mostly on the back of the consumers who were the victims of the monopoly MS built. If I robbed a bank and invested the money, I wouldn't get to keep the interest when I was caught. Thus, I think extremely heavy fines are needed to show that crime does not pay. Something in the 10, 20,30 billion dollar range would do nicely.

Finally, one of the biggest impediments to anyone competing with MS is the totally hidden nature of file formats for things like Word, Excel, Access, Powerpoint, Windows Media Player, etc. MS continually changes and manipulates these formats, so anyone attempting to interoperate with MS formats is always behind. Please require MS to completely and totally document *every* file format, *every* communications protocol and *every* API, and divulge to the public that documentation with no licensing requirements, and to publish changes at least 6 months in advance, so that other companies can have a chance to update their products to work with the new format. Do NOT leave any loophole that would allow MS to not disclose something for ''security'' reasons—if a protocol is insecure because someone knows how it works, then it's not really secure at all. Truly secure protocols are widely reviewed, and withstand public scrutiny without any problems.

As a member of the IT industry, I feel very deeply that MS's illegal tactics have harmed the industry and reduced innovation. The rise of Free Software such as Linux as the only real viable competitors to MS show how MS have poisoned the commercial software industry.

Thank you for your time,
Tim Wasson
1620 Vallejo Drive
Hollister, CA 95023

MTC–00016987

From: Payne Simpson
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities.

I do not think that the proposed settlement is strong enough to serve this function.

Best regards,
H. Payne Simpson, III
1232 W. Boxelder Circle
Chandler, AZ 85224

MTC–00016988

From: Andrew James
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the

current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Andrew I. James
University of Florida
ajames@ufl.edu

MTC–00016989

From: Jake Donham
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: comment on proposed Microsoft judgment
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Microsoft uses its monopoly power to limit competitors'' access to the market, and the consumer software industry is stagnating because of lack of competition.

The proposed judgment against Microsoft fails to redress its past abuse of monopoly power and fails to prevent future abuse. The judgment draws many provisions misleadingly or too narrowly, providing numerous loopholes by which Microsoft can continue its anti-competitive practices.

A fair judgment would open up all aspects of the consumer software market to competition, by forcing Microsoft to publish all APIs and file or document formats of any kind, and allowing users and OEMs to replace any part of the Microsoft software.

Sincerely,
Jake Donham
194 Adelphi St #1
Brooklyn, NY 11205

MTC–00016990

From: Travis Anderson
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

To whom it may concern:

As a citizen of the United States of America, I feel that the proposed settlement of the Microsoft antitrust case is unacceptable. Much more must be done to ensure that the abuses Microsoft has commited and contiunes to commit are stopped. As a citizen of Minnesota, I am proud that my state is leading the way in this continued fight for survival. Please look at the facts, consult the experts, ignore all their money and influence, and finally, DO THE RIGHT THING!

Travis Anderson
Full-time Student
Part-time Land Surveyor
809 5th St. NE
Minneapolis, MN 55413
travis@neodreams.com

MTC–00016991

From: Rez
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

The proposed settlement is a joke, as anyone in the computing field knows. Microsoft gets to grab yet another monopoly market (schools) at NO REAL COST TO THEMSELVES. This is hardly a punishment or restriction — it's an enhancement to MS's existing market monopoly!!

Please STOP this bogus settlement from going through. It hurts consumers AND it hurts MS shareholders, who must bear the losses when MS's image goes into the toilet from being allowed to be the 800 lb. gorilla.

K.V. Moffet
comuter tech, registered voter, and MS shareholder

MTC–00016992

From: Jeremy Sparks
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

To whom it may concern,

As a Systems Programmer for Willamette University in Salem Oregon, I have worked recently to create a Windows 2000/XP login client (or GINA) that would be able to authenticate against our existing LDAP directory. The process, was overly obtuse and time consuming primarily because the API's used by Windows are not available and their example source code (at least with regard to my project) does not work. I think it is clear that Microsoft wants to give the appearance that it allows third party programmers to extend it's operating systems without actually giving them the ability to do so. The final result of my work does not extend Windows 2000 as I had hoped and in fact must add a security risk to our existing Windows systems in order to work at all. Instead my work must necessarily rely on the existing Windows login dll (msgina.dll) to interface with the operating system.

Given that I have first hand experience, I wish to offer my opinion that any remedy which does not give programmers access to the information they need, specifically Windows system APIs, only allows Microsoft to leverage it's operating system to gain monopolies in other areas. In my example they are making it difficult for us to continue to use our existing Unix based servers with their Windows desktop computers. Moreover it is rumored that they intend to remove SMB file sharing from future Windows operating systems. If this happens, and the APIs are not opened, we will have NO CHOICE but to use Microsoft server software. This is not right. I oppose any settlement which allows Microsoft to force companies and universities to use their software.

Jeremy C. Sparks-Willamette University
phone:503–370–6016/fax: 503–375–5456
Systems Programmer-Network Services Consultant
email: jcsparks@willamette.edu

MTC–00016993

From: Ross Youngblood
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I am concerned that the DOJ settlement will not be good for the technical development community in the US. Companies attempting to produce compatable operating systems or bridges from Mirosoft to other operating systems are not protected from retaliation by Microsoft.

Ross Youngblood
480–917–1432
Applications Engineer
ross_youngblood@credence.com
Credence Systems Corporation
Chandler, Az

MTC–00016994

From: Anand Srivastava
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

To whomsoever it may concern,

I am against this settlement.

I am actually against the very idea of settling with the guilty party. The guilty party must be given punishment. I don't why the judge even asked for a forced settlement. The judges job must be to find a remedy, not a settlement.

The judge must do what was done against AT&T. Microsoft must be broken into several parts. At least as many parts as neccesary to bring its monopoly to a manageable level.

Or their should be penalty, and criminal liability. They have already breached courts orders.

How can they be let go without giving adequate punishment. The punishment must be severe, some percentage of their revenue must go as fine. They should have a review every year and if found guilty their income should be confiscated. There is no possibility that any settlement can be fair to the public.

thanks,
-anand

MTC–00016995

From: Easton Beymer
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

I AGREE with the terms of the Microsoft—DOJ settlement. Lets get this wrapped up!

MTC–00016996

From: Eric Carter
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I'm not so sure if the proposed microsoft settlement is such a good idea. I don't think that it will effectively redistribute the gains which microsoft has acquired through it's successful use of unfair monoply powers. It is apparent from the final judgement and the various pieces of evidence show that it will be difficult for any company or organization to compete against microsoft as long as it's ''pushing it's weight around''. Additionally, no reference is made to casual groups in the final judgement. The Open Source community is the only group which is currently a major competetor with Microsoft(AIM, Linux, BSD, Netscape/Mozilla), yet they are not mentioned(and apparently given no rights) under the final judgement. Microsoft API's and standards should be open for ALL programmers who want to produce a product that will be compatible with Microsoft programers, not just those who want to make a profit off that product. I was disappointed that the expected term of the final judgement was shorter than the trial which created it. I feel that 10 years(if not indefinately until microsoft losses it's Operating System Monopoly) is more suiting and would give the industry enough time to recoup from microsofts stranglehold. With opposition and honest,

Eric Carter

Voting U.S. Citizen of California,

Currently representing the U.S. in Germany as a Congress-Bundestag Student Ambassador.

MTC–00016997

From: itzdandy
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

To Whom it may concern,

The public voice, which includes mine, knows that any settlement without significant changes in the company of Micosoft Anti-trust suit is unacceptable. It will damage any and all competition for desktop operating systems because it will allow Microsoft to continue is anti-competative actions.

thank you for your time.

Daniel C Denson

MTC–00016998

From: Don Atkinson
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I believe the settlement is flawed. I don't have the time or fortitude to wade through the entire body of documents related to this case, but in order for the settlement to be meaningful and enforcable, Microsoft must be obligated to fully document all file formats and programming interfaces required to integrate products with any and all present and future versions of all of their software.

I develop software professionally. I know how difficult it is to coordinate with cooperating team members on complicated products. Anything short of full disclosure on Microsoft's part will allow them to maintain the fruits of their anti-competitive practices through delay and obfuscation tactics.

Philosophically, I'm a Libertarian, and question whether this should be in court at all. I am not an anti-Microsoft zealot, but over the past few years, I have become fed up with the restrictions that Microsoft places on the competetive environment, and if we are going to pretend to enforce a competitive market place through legislation and court rulings, let's get to the point.

An anecdote:

Our company recently had a number of laptops stolen. When placing an order with Dell to replace the machines, we made our decision on which model to purchase based on Dell's refusal to ship certain models without a specific Windows OS version. Some of our users are developers who work under Linux and have no need for a Windows operating system at all. Our business is wasting time and energy dealing with restrictions enforced by Microsoft and its weight in the industry. Since much of our development is done under government contract, this amounts to a waste of tax dollars.

MTC–00016999

From: achofer@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

Dir Sir or Madam:

I have a simple point to make regarding Microsoft's business practices. Microsoft is comprised of three distinct entities: Programming languages, applications and operating systems. It is extremely clear that Microsoft has made business decisions that affected the internal structure of their software to the detriment of consumers and competition that they would not have made, were each of these entities separate. If you need further explanation or documentation, please feel free to respond to this e-mail.

Thank you for your time.

Andrew Hofer

MTC–00017000

From: Ken Kirchner
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

Hello ladies and gentlemen,

I would like to add my voice to those who are displeased with the current proposed settlement with Microsoft. Microsoft is so large and diversified they can easily assimilate any sector of the software market they want. As it was clearly demonstrated in the Internet Explorer versus Netscape Navigator war, you cant compete against a company that can afford to give away its product longer than you can. Microsoft's pockets are too deep for any new software company to try and assault. Microsoft's interpretation of innovation is buying other companies that have innovative products (ex: Visio) instead of producing their own. They are definately the 300 pound gorilla of the industry.

As far as proposed solutions, I am afraid I dont have the sure-fire solution, but I think forcing them to offer free access to their current and future data structures (Microsoft Office documents, Visio files, etc) would at least prevent them from shutting out other software companies by hiding behind proprietary file formats. I'm sure this suggestion needs more scrutiny than I have given it. I think software purchases should be judged on how efficeintly and effortlessly it manipulates your data, not what format it saves it in.

Ken Kirchner : kenk@shreve.net

Assistant System Administrator : Tel (318)222–2638

ShreveNet, Inc. : Fax (318)213–2650

ShreveNet—Your Premium Internet Service Provider!

MTC–00017001

From: Chris J. Harmon
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00017002

From: Dave Polenychko
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

The proposed settlement is too narrowly worded as to have any real effect on the anti-competitive practices of Microsoft.

David Polenychko
2443 Hinge
Troy, MI 48083
248–689–5947

MTC–00017003

From: mark.stout@L-3com.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

Hail!

I am an engineer supporting a US Air Force project. Our group uses MS-DOS on a system for the Air Force and Windows on our main server and desktops. One print server runs Linux and my own desktop dual-boots Windows and Linux.

It is my understanding that the Government is considering a settlement that would compel Microsoft to open it's application interfaces to commercial competitors. Great as it sounds, this leaves out two important entities, the US Government and non-commercial competitors. If the government, or a hospital, requires software that can be reviewed by a large group to ensure that it is defect-free, such as that protecting nuclear materials or keeping people alive, that should be a possibility available to us.

The current plausible threats to Microsoft are Linux and BSD. The Government already contributes to these; most of the network drivers were written by a NASA employee. The government already uses Linux and BSD in many places where Windows is cost prohibitive and the programmers need access to the source code. This access is a very important component. Presumably, Microsoft's source code is going to be protected as a trade secret. It's widely known that little of it was ever Microsoft's, so they need to keep it secret to stay out of jail. Anyhow, the application interfaces have to be open in order for anybody to write a program that communicates with Microsoft's products. Releasing them to a commercial competitor might've been useful 20 years ago,

but today, these have to be available to the U.S. Government and the the Open Source (Linux, BSD) community.

The course before us now is a straight, short path to dictatorship. Already, the licenses for Microsoft Frontpage and Microsoft Internet Information Server (commonly IIS) forbid thier use in disparaging Microsoft. If the alternatives to these are lost, as this settlement offers, Bill Gates could run for president and be unopposed; it would be illegal to suggest that another person could better fill that position. Once in place, any suggestions that Mr. Gates had about changing the way laws are made, interpreted and enforced would immediately become law; it would be illegal to suggest that Democracy is better than dictatorship.

Microsoft's arguments that they had to shut down Netscape, IBM, Borland, etc. as a matter of survival are reminiscent of Hitler's 1924 arguments that if he didn't start eliminating Jews he'd have to compete with them for food, clothing and shelter. Microsoft's arguments that they can't work within any consent decree with the government because they need freedom to innovate ignore the fact that Microsoft's last innovation was to offer the best implementation of BASIC for the CP/M operating system in the late seventies. Everything else that Microsoft has sold since then was invented outside of Microsoft, usually by a company with less than fifty employees. I could agree to Microsoft being free with it's innovations; they can make and sell BASIC interpeters for other people's operating systems forever; I won't begrudge them a nickel that they earned legitimately.

Good luck,
-Mark

MTC–00017004

From: David J Brumley
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

I am opposed to the microsoft settlement. Anything that leaves the company in tact will ultimately lead to future illegal activity. Remember, microsoft was found guilty of illegally using a monopoly. This means to me that in fact they have a monopoly and have maniuplated it to great profit. Any settlement that does not realize microsoft has made an effort to do things that are illegal and must be curtailed immediately is not acceptable.

For example, here at Stanford we use kerberos for authenticating our computers. MIT does likewise. When we wanted to encorporated Windows 2000 into our domain, we found they had changed the standard subtley so Microsoft software worked with our current infrastructure if we used microsoft servers. Never mind we had unix servers that never crashed and previously worked fine.

Microsoft will push the competitive edge until there are no more competitors. This is american business. American law dictates that these activites be checked, and curtailed when necessary. Please do something to curtail the current activity as well as future anti-trust violations.

Signed,
david brumley
David Brumley
650.723.2445

MTC–00017005

From: Jonathan Miller
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

I object to the proposed settlement. Microsoft has too much power in the computer industry. I would like to see a settlement where all of their API's are published, also their ever changing file formats in Word, Excel, Access.

Jonathan Miller
Spokane, WA

MTC–00017006

From: Matthew L Daniel
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you,
Matthew L Daniel,
Atlanta, Georgia
Matthew L Daniel
Director of Technology,
Still Current Development, Inc.
mdaniel@scdi.com

MTC–00017007

From: kpayne (w)
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

Greetings,

I am writing to express my dissatisfaction with the proposed Microsoft AntiTrust settlement. Microsoft is a convicted monopolist who deserves to be punished. They have used their monopoly in certain markets (operating system, web browser, office productivity suite) to extend their grasp into other markets (internet services, video game consoles). Microsoft has demonstrated that they do not intend to stop this behavior. I ask that you reconsider the proposed settlement for one that better protects the public.

Thank you,
Kerry Payne

MTC–00017008

From: David Dolinar
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

The current settlement proposed is a VERY BAD IDEA. Microsoft should not be allowed to integrate anything with their OS unless *ALL* of their API's are forced open & other software companies can integrate their products to the same degree as MS's software. OEMs should also be able to package this other software integrated with Windows & the computers they distribute.

— David Dolinar

MTC–00017009

From: Mike Bednowicz
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I oppose the proposed settlement.
Michael Bednowicz
881 Ford Avenue
Elgin, IL 60120

MTC–00017010

From: Andrew Ball
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

I would like to add my voice to the mountain of concern regarding the proposed settlement with Microsoft. While I have significant concerns about all aspects of the proposal, there are two which deeply trouble me. I am the Systems Administrator for a small non-profit arts organisation of 65 employees. Out of necessity, we work in a very mixed environment of Windows and Macintosh computers, with a few Unix boxes thrown in for good measure. We use Open Source and GPL software on our servers because these licenses allow us to be able to afford the tools required to seamlessly pass documents between all our environments using a tool called Samba.

The other day, I read this on the Samba team's development site.

The settlement states:

''E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer. '' Sounds good for Samba, doesn't it. However, in the ''Definition of terms'' section it states :

''Communications Protocol'' means the set of rules for information exchange to

accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. '' If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.''

The Samba team's concerns seem well founded to me. Were Samba to be stopped in development, our day to day operations would be significantly hampered. Additionally, there would be a significant impact on our budget as are unable to afford commercial tools that perform as well as Samba does. Indeed, we have yet to find a commercial tool that offers the same quality that Samba does.

My second concern involves those aspects of the proposal that entail Microsoft ''giving away'' millions in software and hardware to educational institutions. That this proposal isn't seen as simply ludicrous is beyond me. Surely Microsoft's lawyers must be wringing their hands with glee at the prospect of indoctrinating young minds to the ''Microsoft way'' at so young an age. Simply put, this is akin to allowing Coke to supply free sugar water beverages to kindergarten. It's a cynical attempt to grab mindshare, nothing more.

Additionally, you do the educational institutions no favour. Why? Because those machines as they degrade over 12 months, will eventually become unusable and require maintenance. Without suitably trained staff and available Systems Administrators, the computers and the software are nothing more than time wasters, requiring hours of tinkering by non-technical staff in order to make them actually work. You're dooming the English teacher to trouble shooting the broken WindowsXP box in the corner because few school boards have the Systems Administrator resources to keep the machines up and running all the time.

Surely this aspect of the proposal must be seen for what it is: a hollow advertising scheme, propped up with assets that will cost Microsoft nothing (but which will undoubtedly be written off in the following tax year), assets that will suck the already limited resources of local school boards dry.

Please, reject the proposal.

Andrew Ball aball@acttheatre.org
Systems Ringmaster / Technology Sherpa
ACT Theatre
700 Union St.
Seattle, WA 98101
(206) 292–7660 x1337 voice
(206) 292–7670 fax

MTC–00017011

From: Rodney Smith
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement -against

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. You have been bamboozled by techno-talk. The defininitions are too loose. Microsoft will wiggle free as if there was no ''settlement''. Why sign a ''settlement'' when it will settle nothing and achieve no lasting effects? Attorneys may disagree with me, but I am a software developer active in the retail software industry for the last 12 years. I see the effects of predatory behavior, disrepect for other's IP rights, and restrictive OEM agreements that prevent alternatives from seeing a level playing field.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only intend to prohibit the future repetition of those abuses. And poorly at that. Where is the punishment for lying in court? Where is the oversight with teeth? Where are monetary relationships broken? Trimmed and tweaked is what I see, not substantially changed. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. Open my industry!

Sincerely,
Rodney Smith
19451 SE 57th Place
Issaquah, WA, 98027

MTC–00017012

From: Bob Miller
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

The proposed final judgement on Microsoft is too lenient. Microsoft has repeatedly engaged in criminally monopolistic activity, and it needs a judgement severe enough that it will be dissuaded from more criminal behavior in the future.

The proposed final judgement is too narrow. It treats specific symptoms, some of which are already obsolete, but it does not attack the root of the problem. It should restrict Microsoft's ability to use its PC monopoly to enter new markets, but it does not. It should restrict Microsoft's ability to shut out competing software vendors in the PC market by requiring Microsoft to release API information well before software using those APIs is released, but it does not. It should specify how it will be enforced, with Microsoft bearing the burden of proving it is not abusing its monopoly powers, but it does not.

Most importantly, Microsoft should be prohibited from discriminating against open source software. Microsoft should be required to make its APIs available to the public, not just to licensees. Microsoft should be specifically prohibited from licensing any of its products in ways that exclude open source software.

The proposed final judgement is not justice. It's barely a slap on the wrist.

Bob Miller K<bob>
kbobsoft software consulting
http://kbobsoft.com kbob@jogger-egg.com

MTC–00017013

From: Michael Enos
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed the current MicroSoft Settlement for many reasons. As the President and CEO of a Financial Services company, we have built leading edge technology COMPLETELY on open source platforms (Linux, Postgres, Samba, GNU compilers and utilities, TCL, Python, MySQL, PHP, Apache, etc.).

We have achieved processing speeds that exceed ALL Microsoft applications and most mainframe applications. We were recently purchased for many times earnings by a multi-billion dollar payment processor because of our processing capabilities. Microsoft applications would have never worked. We know this because be gave it a valiant attempt but gave up.

The Federal Reserve has also shown interest in our applications and we are currently preparing a proposal for the Feds. The Justice Department must not allow Microsoft to continue to monopolize the computing industry. We expect the Justice Department to represent those of us pioneering technologies in real world applications.

Please do not hesitate to contact me.

Michael Enos
Michael L. Enos, President
H.I.S. Financial Services Corporation
102 South Tejon Street, Suite 920
Colorado Springs, Colorado 80903
Ph. (719) 633–7005 / Fax (719) 633–7006
Premier Electronic Check Processing Services

MTC–00017014

From: Damon A. Brown
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

To whom it may concern:

I find that the entire scope and promise of Microsoft's OS (Windows) to be that as a platform of functionality and control for a computer terminal. While Microsoft has chosen to add services provided by their internal development process or acquired from outside sources, they have also chosen a deliberate path to directly confront and destroy other equal opportunity developments, either through acquisition or pure malice. The Halloween documents should attest to the blatent malcontrived view of the intelligence and faith of the consumers, and further, the monopolistic instinct of the Microsoft Corporation. Please consider this e-mail to be a formal complaint

of the proposed settlement—let unfettered justice be served.

Damon Andrew Brown
Alexandria, VA

MTC–00017015

From: EXT-
Peter.harbeson@nokia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

Hello,

I would like to submit my opinion that the proposed settlement of the Microsoft antitrust lawsuit is NOT in the public interest. I believe it leaves far too much leeway for Microsoft to continue and even extend their illegal activities, particularly with regard to Independent Software Vendors (ISVs).

Please feel free to contact me if additional details would be helpful.

Best Regards,
Peter J. Harbeson
3 Victor Road
Hampton, NH 03842
Peter J. Harbeson
Nokia Research Center, Boston
XML Knowledge Center
781.993.5774 desk
603.264.0027 mobile

MTC–00017016

From:
Jordan.Peterson@us.delarue.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I think the proposed Microsoft antitrust case settlement is inappropriate and should not be accepted.

Sincerely,
Jordan Peterson
Network Administrator II
IT Support Services
De La Rue Cash Systems, Inc.
920–206–6800
jordan.peterson@us.delarue.com

MTC–00017017

From: Matthew Sahr
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

In the Proposed Final Judgement Section VI:

Definitions, several definitions allow Microsoft too great a latitude to continue its monopolistic practices.

Definition K: ''Microsoft Middleware Product'' Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition. The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs. In total, Definition K is too narrow. The Findings of Fact (28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. The definitions used in the Final Judgement should reflect common usage and be consistent with the Findings of Fact.

Matthew Sahr
mattsahr@yahoo.com

MTC–00017018

From: Richard Kiss
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Opposition to Microsoft Settlement

In my opinion, anything short of break-up is a slap on the wrist to Microsoft. This company has shown time and time again that it regards agreements with anyone—including the government—to be convenient mechanisms to serve itself while continuing to apply illegal pressure through monopolistic tactics against hardware vendors and engaging in inappropriate and illegal bundling to serve its own ends. Microsoft's agreement to settlement is evidence enough that the settlement is toothless—after all, this is a company that, to this day, has maintained that it has done nothing wrong, disagreeing with the finding of fact that it is a monopoly that has broken the law. I oppose the proposed settlement agreement in its current form, and support the effort of the nine dissenting states. Look at what happened after the 1995 agreement. Microsoft immediately started to brag that it would not change their behavior one bit, and then immediately began to prove it.

Richard Kiss
him@richardkiss.com
H: 408–481–9621
W: 650–559–1010

MTC–00017019

From: Ron
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I don't believe that the proposed antitrust settlement is in the public interest.

Given the fact that the Microsoft has been convicted of monopolistic behavior, with that conviction upheld on appeal, any settlement should effectively control that behavior. Instead, this settlement allows Microsoft to continue to leverage their operating system monopoly into unrelated sectors. It allows most of their anticompetitive behavior to continue unabated. It also ignores Microsoft's behavior with respect to previous scantions.

The settlement is so flawed that I cannot simply suggest changes that would fix it. It's so favorable to Microsoft that they might as well have written it themselves. My suggestion is to throw the entire settlement out let the court decide the appropriate sanctions.

Ronald Tansky

MTC–00017020

From: Burhman Gates
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

The proposed consent final judgment for USA versus Microsoft will be an ineffective remedy for the abuse of Microsoft's monopoly power. If a remedy is to be composed to prevent the abuse of Micrsoft's monopoly, then the remedy must address Microsoft's means of maintaining their monopoly, extending their monopoly, and abusing their monopoly power. Specifically, Microsoft should be compelled to:

—Open their file formats (an important tool in maintaining and extending their monopoly)
—Publish communication protocols between objects embedded in office productivity documents
—Interoperate with other vendors (they punish any of their customers who attempt to use other vendors) This is not a complete list of needed remedies. Also, the proposed consent final judgment doesn't do anything to punish Microsoft for their crime. Please accomodate the American public and punish Microsoft and make a meaningful remedy to their means of extending, maintaining, and abuse of their monopoly.

Burhman Gates
Vicksburg, Mississippi
Electronics Engineer
Small computer store / consulting firm owner

MTC–00017021

From: JKleier@madison.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I believe that the current version of the settlement scheme is not in the best interest of the Public. Many Definitions of terms are ambiguous or straightforwardly directly beneficial to Microsoft. I think it should be taken under review further, and clarifications made on certain points. Obviously, if Microsoft has done this in the past (i.e, Caldera in the 90's) they will continue to do it in the future.

Intent should also be looked at. Obvioiusly, their intentions are to go as far as they can ''within the law'' without actually breaking the law. Well, they broke it, and should pay the consequences. But their outlook on the whole thing has not changed. their intentions are the same. They just have to be even more devious now.

Jorden R. Kleier
IT Support Specialist

MTC–00017022

From: rederin
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: proposed microsoft settlement

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017023

From: lcopley@equator.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

Microsoft is effectively a monopoly which has engaged in a series of anti-competitive practices, often in violation of previous court-ordered remediation. Given this history, it is unlikely in the extreme that Microsoft will cease this behavior in the face of any remediation other than separating the operating system business from the rest of the company. I strongly urge the court to do the right thing in making this monopoly compliant with US law in the one way which can structurally insure compliance—break off the operating system.

Lane Copley
Contract Technical Writer
408–369–5249

MTC–00017024

From: Kharabe, Amol (Soliance)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

Hello,

I wanted to add my comment that the Microsoft settlement that is being proposed is a *very bad* idea, since it will only succeed in *increasing* Microsoft monopoly, not *decreasing* it, as was the whole aim of the exercise.

Thanks.

MTC–00017025

From: Dan Christian
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

The proposed settlement does little to punish Microsoft for its wrongdoing.

Giving Microsoft a government mandated entry into the school system is a reward, not a punishment.

There is no incentive for Microsoft to behave better in the future.

Daniel Christian
Mountain View, CA

MTC–00017026

From: David Meriwether
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

I believe the settlement is too weak, and does little to restrict Microsoft's leveraging of it's OS monopoly onto other markets areas. What is the purpose of the court's review of the settlement? What is the purpose of the legal proceedings at this point? If it is to ignore the problems leading to the lawsuit and to bury the issue while retaining the veneer of having ''solved the problem'', perhaps this settlement would come to mind.

If the purpose of the legal action is to restore some possibility of competition in fields threatened by Microsoft's domination of the OS market, I would say that this settlement FAILS. The settlement, with it's peculiar definition of terms seems quite behind the times and focused on the past. The definitions of terms such as API, Middleware, and Windows Operating System are twisted and narrowed to the point of absurdity. Further, as I understand what I have read, the settlement (weak as it is) will be obsolete in little more than a year.

To my understanding, this settlement is so weak and filled with omissions and twists that it is irrelevant to the issues it is intended to address.

Please REJECT the settlement. Thank you for any time you spent reading this.

James Meriwether
500 Bonsall Rd.
Ridley Park, Pa. 19078

MTC–00017027

From: Juan Carlos Castro y Castro
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

Dear Sirs,

Software buyers in countries other than the USA will be driven to non-USA products if the USA government is perceived as ''soft on corporate crime''. This settlement is a bad idea.

Best regards,
Juan Carlos Castro y Castro
jcastro@vialink.com.br
Rio de Janeiro—Brazil

MTC–00017028

From: Andrew Hyatt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

This letter is a comment on the Microsoft settlement.

While the settlement does implement some needed changes, such as OEM licencing, the overall settlement is far too weak. This is not an opinion I hold on my own; rather, most descriptions of the settlement in the press and other places have remarked on how lenient it is with Microsoft. A remarkable amount of the settlement is open to broad interpretation, and potential loopholes abound. For example, with the open-source project Wine (http://www.winehq.org <http://www.winehq.org>) be able to access Windows API? No one seems to know for sure. Even without the loopholes, the penalties for non-compliance do not seem like penalties at all. There are too many ways for Microsoft, with it's excellent legal team, to get away with basically whatever it wants. This is especially disheartening, since it seems as if Microsoft will soon use it's same tried and true tactics to promote it's .NET platform.

With Microsoft's repeated and widespread abuse of it's monopoly power, drastic remedies are needed. It is not in the interests of the public to deal gently with Microsoft. The trial has been long, and will be the last chance for a while to change Microsoft's anticompetitive business practices.

This trial is simply too important to let an inferior settlement stand.

I strongly urge the court to reject the settlement.

MTC–00017029

From: Bill Costa
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Dear Department of Justice,

First off, let me affirm that I am a citizen of the United States and wish to exercise my right to comment on the recent Microsoft settlement as allowed by the Tunney Act comment process. (Please see my signature below for full name, address and contact information.)

I feel it is important that Microsoft be prevented from introducing intentional incompatibilities in their software to discourage the use of non-Microsoft operating systems. In 1996 the operating system vendor Caldera brought a private antitrust suit against Microsoft over this very issue. The judge in this case ruled that:

''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

I have every reason to believe that Microsoft will continue to use such tactics if allowed to, but unfortunately the current settlement does nothing to prevent this. In fact as an e-mail system administrator at the University of New Hampshire, I believe I am already beginning to see efforts by Microsoft to make it difficult to exchange e-mail messages between non-Microsoft e-mail programs and Microsoft's own e-mail clients.

This is an important issue. Without open publication of the the operating system's API and the assurance that Microsoft will not introduce such intentional incompatibilities, it will be impossible for other companies or open source software developers to create software that directly competes against Microsoft's own offerings.

Because of this I feel a provision to explicitly prohibit Microsoft from engaging in such practices is vital in helping to stop such predatory actions in the future.

Thank you for your time and attention.

Later....BC

William Costa
33 College Road—CIS
University of New Hampshire
Durham, NH 03824–3591 USA
FAX: +1–603–862–4778
PHONE: +1–603–862–3056
No good deed...goes unpunished.

MTC–00017030

From: Chris Meyers
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to voice my oppostion to the proposed settlement in the Microsoft antitrust trial. I think that any settlement between Microsoft and the Department of Justice should do at least 2 things, promote healthy competition in the computer operating system/software market, and impose reasonable punishments on Microsoft for their past abuses of their monopoly status. I do not think that the current proposed settlement will do either of these things.

There are many ways to promote more competition in the os/software market. I believe that one way is to force Microsoft to share their API's with other software companies. If other software vendors could have access to the Windows API's it would quickly be shown how farcical Microsoft's claims of necessary integration are. Users would be able to ''integrate'' any software that they wanted into their operating system rather than having it just sit on top of Windows.

Another way to promote more competition is to allow other vendors to have their operating systems installed on new pc's along with Windows. True choice in the operating system market would allow me to buy a computer with Windows, Linux, BSD, or any number of other operating systems pre-installed on it.

However Microsoft's contracts with Original Equipment Manufacturing companies prevents anything like this from happening. This must be changed to promote competition. As far as Microsoft's punishment for abuse of their monopoly, I do not have any real answers for that. I do not think that a fine will be enough of a deterrent, but I don't that that drastic measures such as the break-up of the company would be good for either the software industry or the world economy. I believe that the 3 person oversight panel is a good start as long as they have the authority to act quickly and prevent monopoly extending products from being introduced into the market. If it cannont act quickly and pre-emptively, then I don't think that the panel will be effective at all. I thank you for your time and I hope that the current proposed settlement will be modified to allow more competition and punish Microsoft in a way that fits the crimes the for which the company has been found guilty.

Sincerely,
Chris Meyers
Programmer
Huttleston Data Design
7941 Tree Lane Suite 200
Madison WI 53717

MTC–00017031

From: Pat Kelley
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

I wish to add my voice to those disagreeing with the proposed settlement in the Microsoft Antitrust case. The settlement does not adequately punish Microsoft for the many anti-competetive practices that Microsoft has been found guilty of, and, more importantly, does not do enough to prevent future violations, which I believe continue to this date.

Thak you for your attention.
Charles P. Kelley
Firmware Engineer
Enrev Power Solutions, Inc.
680 Engineering Drive, Ste 180
Norcross, GA 30092

MTC–00017032

From: Orlando Echevarria
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

To whom it may concern,

I am web developer for the School of Engineering for the University of Connecticut. I am e-mailing you in regards to the Microsoft Anti-trust trial settlement. As a follower of this case since Netscape and Microsoft were adversaries in the browser market, I am appalled by the settlement that was reached with the nine attorney generals. I am appalled that the interest of the taxpayer and consumer was ''waived.'' I am distressed that with the settlement, Microsoft is literally unscathed by the remedies(settlement). There are three examples that the settlement does not go far enough to punish Microsoft for it's illegal behaviour.

The first example is that Microsoft is allowed to continue it's anti-competitive behaviour through forcing OEM's to sign contracts that forces them to use no other rival browser or software. Microsoft claims that they are for consumer choice and freedom, but yet they will not allow me to choose what operating system or software I choose to run on my PC because they manipulate their contracts to fit their(Microsoft) needs and not the consumer. Am I hurt by this? The answer is yes because I can not go to a store and buy a PC and choose the software I want on it. I am forced to accept and buy something that I am not going to use, but yet it is forced down my throat.

The second example are the API's. I believe in the interest of fairness, Microsoft should make public ALL API's. They have hidden API's that allow them to maintain a leverage over their competitors and as a result, leave the competitors out of a loop. I propose that Microsoft open the source code to their flagship OS, Windows 98, Windows 98 SE, Windows Millenium and Windows NT 4.x series. This remedy will fit the crimes that they have committed against the consumer and competition.

My two cents,
Orlando Echevarria

MTC–00017033

From: Silvanis
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I, and a large number of my peers, do not believe that the proposed settlement will hinder Microsoft's monopolistic practices. Since someone else has put it much better, I am linking to Dan Kegel's analysis. http://www.kegel.com/remedy/remedy2.html

Thank you for your time,
John Markle
2730 NW Palazza Way
Hillsboro, OR 97124

MTC–00017034

From: Nick Fisher
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Hello,

First let me say that I am a Microsoft Certified Systems Engineer (MCSE) and as such work with Microsoft and their products every day. I firmly believe that Microsoft will act immorally and in their own interest until they are stopped (Much as they have done up to this day). At every turn Microsoft work to block independent innovation and force the use of their products. I fear for the future of the computer industry if they are not stopped and I DO NOT believe that the current proposed solution will do anything more than slow them down for a few years. I personally think that now Microsoft have enforced themselves as a standard, that they should be forced to open that standard to other developers and allow competition.

Nick Fisher

MTC–00017035

From: Kevin Theobald
To: Microsoft ATR
Date: 1/23/02 12:36pm
Subject: Microsoft Settlement

I am a U.S. professor of Computer Engineering with industry experience in software engineering, and I would like to register my opposition to the proposed settlement in the Microsoft antitrust case. I have examined the proposal, and it fails to address the problems of Microsoft's monopoly position in many important ways. For instance, the settlement contains prohibitions intended to curb some of Microsoft's current anti-competitive practices, but relies on definitions that are too restrictive and provide too many loopholes. As one with experience in software development, I can see many ways to exploit these loopholes in order to circumventing the restrictions. For instance, Section III(J) allows Microsoft to keep security-related APIs secret. It is easy to see that Microsoft will simply declare that every API now includes security features (recent Microsoft announcements that they will focus more on security suggest they are already planning this). Microsoft has a proven track record of creatively exploiting every loophole imaginable. Their integration of Internet Explorer into their OS in order to bypass the ''Consent Decree'' is one example of how much they can be trusted to follow the ''spirit'' of an agreement.

The settlement does not punish past behavior already proven illegal in court or

remedy the effects, but merely restricts Microsoft from continuing some of this behavior in the future. This sends the message that illegal behavior is tolerated and profitable until eventually stopped by a court, and will only encourage further lawbreaking by Microsoft and other potential monopolists. Furthermore, the enforcement mechanism is also very weak, and relies on a Technical Committee which is at best prone to chronic deadlock since Microsoft effectively has 50% control. In conclusion, the current proposed settlement is worse than no settlement at all. It is only a fig leaf, which will present the illusion that it is restoring competitiveness to the industry while actually doing very little. Microsoft will continue to use its control of the OS to gain control of other markets, while claiming that competitors and consumers are now duly protected by the law.

Sincerely,
Dr. Kevin B. Theobald

MTC–00017036

From: corvair@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I have been an information systems professional for more than a decade. In my opinion, the proposed Judgement is not an adequate remedy to the issues cited in the findings of the case. It is insufficient because: a) it allows Microsoft to charge developers a fee for interoperability information and allows Microsoft to set limits to its dissemination. This immediately disallows any open-source development using Microsoft-supplied data, and open source ''free'' sofware is one of the few possible competititors to a monopoly with the power and scope Microsoft wields. b) Microsoft is left completely un-hindered in its ability to leverage existing market dominance in its pursuit of monopolies in other markets using precisely the same business practices cited in the finding.

For these reasons I regard the proposed remedy as inadequate.

Radford Davis
Pittsburgh, PA

MTC–00017037

From: David Niehoff
To: Microsoft ATR
Date: 1/23/02 12:36pm
Subject: Microsoft Settlement

I feel that the proposed settlement in this case is a very bad idea. It shows just how easily America is controlled by big corporations. Proposing a much more strict settlement would send a message to the corporate community that the people aren't going to sit down and let Large Corporations like Microsoft get away with infringing on our rights as U.S. Citizens.

Thank you
David Niehoff
Boone, NC

MTC–00017038

From: coslor@technomancers.org@inetgw
To: Microsoft ATR
Date: 1/19/02 11:11am
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Attn: Renata B. Hesse

Mr. / Ms. Hesse:

Please accept this letter as a comment on the proposed Microsoft settlement, under the Tunney Act. I oppose the current proposed settlement, for a number of reasons. One that stands out is the fact that the current proposed settlement does not prevent Mcrosoft from imposing barriers to entry for operating systems which use or replicate Windows API's. I feel that the current proposed settlement is inadequate and does not properly address the issues posed in the initial finding of fact. Again, this letter is a comment opposing the current Microsoft settlement.

My name is Chris Coslor, and I am a citizen of the United States, and a registered voter in Jefferson County, Colorado. My address is:

Chris Coslor
5421 S. Federal Circle #105
Littleton, CO 80123

Thank you for your time.

MTC–00017039

From: Brian Knotts
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Comments regarding the Revised Proposed Final Judgment

Althought the Revised Proposed Final Judgment does address some of the tactics Microsoft used to illegally maintain and extend its monopoly position, I am concerned about this portion:

Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.

While this may seem to be standard disclaimer language, I am afraid it will be misused by Microsoft to excuse behavior that they will almost certainly engage in, in an attempt to bypass the intent of the Judgment. One of the OEM licensing practices Microsoft has used to build its operating system monopoly is the prohibition of any ''non-Microsoft screens'' between the BIOS screen and the launch of the Windows desktop. This prevents hardware manufacturers from shipping machines in a ''dual-boot'' configuration, which would allow consumers to choose the operating system they wish to use when they turn on their computer, because the operating system selection screen is a ''non-Microsoft screen.''

With the rapidly increasing size of computer hard disks, and availability of non-royalty operating systems such as Linux, ''dual-boot'' configurations could be very attractive to OEMs as a means of offering value-added differentiation from other vendors. As the Judgment language stands, I believe that Microsoft would still be able to prohibit this practice through its license, which would be a disservice to consumers.

The Judgment should explicitly prohibit Microsoft from doing anything to prevent OEMs from shipping ''dual-boot'' configurations.

Brian Knotts
P.O. Box 37
Bridal Veil, OR 97010
bknotts@slappy.org

MTC–00017040

From: John Tyner
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed.

The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017041

From: Jack Ulmer
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea!!

J. Ulmer
OS/2 for 10 years.

MTC–00017042

From: Debian User
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

Having read the proposed final judgement for USA versus Microsoft, I respectfully submit that the remedies it proposes are not sufficient to stop Microsoft's unlawful anti-competetive practices. The partial opening of Microsoft's APIs, for example, might make it easier for some developers to write some software for Windows (which can only serve to increase Microsoft's operating system market share), but it includes specific restrictions that would make it difficult or impossible for non-commercial and Open Source developers to have access to these APIs. Nor does it address a core issue: the intentional obscurity of Microsoft's constantly changing file formats, which makes it extremely difficult to write applications that operate on Microsoft-generated files, such as Microsoft Word documents.

Additionally, the settlement does not address Microsoft's illegal contractual tying and bundling of middleware to the operating system, even though the Court of Appeals

specifically rejected Microsoft's petition for a rehearing on this issue.

Indeed, the settlement provides no penalty whatsoever for Microsoft's past unlawful behavior.

During the course of the anti-trust trials, Microsoft, far from being repentant, has sought to expand its monopoly positions even further with its .NET, Passport, and Windows XP Activation schemes. It seems clear that Microsoft considers the Department of Justice and the U.S. Government to be paper tigers, and the acceptance of this proposed settlement by the Court would only serve to prove that to them.

I strongly urge you to reject the proposed settlement and to insist on stronger and more effective remedies.

Respectfully,

Jason Grimes

Software Developer and Systems Administrator

155 Hood Ave.

Syracuse, NY 13208

jason@grimesit.com

MTC–00017043

From: Brad Bechtel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

This is a bad idea. Please don't do it.

MTC–00017045

From: William McKee
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

As an independent software developer and long-time personal computer enthusiast, I am writing to voice my concerns about the Proposed Final Judgement in the case of the United States v. Microsoft.

In particular, I am concerned with Microsoft's practices towards end-users such as restrictive licensing agreements (e.g., inability to use software on non-MS operating systems), intentional incompatibilities with non-Microsoft operating systems (e.g., Caldera), and non-backwards-compatible software upgrades. It is vital to the existence of a free market that no individual company control the marketplace. The law of the United States has determined that, by its business practices, Microsoft has established monopolistic powers over the personal computer industry.

This monopoly injures computer users by stiffling innovation and competition. Personal computer users are thus left with unreliable, insecure software (e.g., Outlook) and operating systems (e.g., Windows XP). To make users buy the latest version of their software, Microsoft stops releasing updates whether or not the newer software is better for the user or not.

As currently written, the Proposed Final Judgement does not, in my professional opinion, redress the problems which have established Microsoft's monopoly nor its business practices toward personal computer users who suffer the consequences of a monopolistic company. I refer you to the letter written by Dan Kegel for a more complete review of the problems with the proposed judgement.

I wish you wisdom in finding a solution that better addresses the public interest.

Respectfully yours,

William McKee

Lead Developer

Knowmad Services

Charlotte, NC

cc: Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

MTC–00017046

From:
Paul_Eberle@bluecrossmn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Paul Eberle,

New Prague, MN

Software Developer

BlueCross BlueShield of MN

MTC–00017047

From: erbo@silcom.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

Dear Sirs:

As a professional software engineer, I am writing to provide input on the proposed Microsoft antitrust settlement. I believe that the settlement as proposed is not in the best interests of the American public. I further believe that the settlement would be harmful to the American economy, and is completely inadequate given the findings of fact in the trial—findings of fact which have been upheld by the Court of Appeals.

Microsoft's anti-competitive practices run counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public—including the Federal Government itself—to bear increased costs, and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. This was a serious problem in the 1995 consent decree, and is even more serious of a problem with this settlement.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function. Not only that, but the proposed settlement has *no* provision for punitive damages against Microsoft for its actions in the past. An illegal monopoly should not be allowed to retain its ill-gotten gains while merely being warned against such conduct in the future. Due to Microsoft's size and large amount of cash reserves, any fine levied against them should be in the billions of dollars, else it will merely be ''shrugged off'' and the message will remain unheard. I urge the plaintiffs in this lawsuit to stand fast and not accept this settlement, which amounts to a slap on the wrist for Microsoft and a kick in the crotch for the American public. Thank you.

Sincerely yours,

Eric J. Bowersox, Denver, Colorado

Technical Director, Electric Minds Community <http://www.minds.com>

Eric J. Bowersox (Erbo)—<erbo@silcom.com>

Electric Minds—virtual community since 1996. <http://www.minds.com> ''The sands of time were eroded by the river of constant change...''

MTC–00017048

From: Chris Giancaterino
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Micrsoft settlement

the current 'settlment agreement' is a terrible idea. Under the Tunney Act, we wish to comment on the proposed Microsoft settlement.

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems.

This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

Regards,
Chris Giancaterino
wcg@metronews.com

MTC–00017049

From: Matthew Hornyak
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft settlement: doesn't go far enough

Dear Sir or Madam,

The 1980s were a time of diversity and competition in the computer industry. There were many different computer platforms, each with its own unique strengths. Innovation was strikingly rapid. Sadly, that time has passed because one company dominates the industry: Microsoft.

As a director of technology for a large regional consulting firm, I am forced to spend a considerable amount of money on systems which barely advance over last year's systems, just to stay compatible with my clients. Worse, this money could be used for our firm to develop innovative products.

Today, Microsoft is even getting worse; they are forcing large firms to move away from perpetual licensing of their software to yearly ''subscription'' licenses. They are doing this because people were not upgrading their Microsoft software because it was not innovative enough to merit spending the money to do so. Hence, Microsoft is now building a system in which they get yearly revenue from their customers, even if they do not sufficiently improve their products.

I urge the Department of Justice and the Court of Appeals to reconsider the settlement and to strongly consider the revised settlement offered by some of the states.

Only then will the software industry be innovative again.

Thank you,
Matthew Hornyak
CTO, rTheory
245 Melwood Ave #108
Pittsburgh, PA 15213

MTC–00017050

From: seth_lytle@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

I am opposed to the settlement of the Microsoft case. MS has repeatedly abused their monopoly position and great wealth to drive competition out of business. In doing so they have expanded their monopoly time and again. The proposed settlement is far too mild, neither appropriate for the henious crime, nor a sufficient deterent to prevent similar actions in the future.

The monopoly has been abused at the cost of citizens and corporations, be they competitors, partners, or customers, on a scale beyond compare—in terms of over charging, forced migrations, forcing the adoption of less-fit solutions, and products that are intentionally faulty. MS is a drag on the entire economy, the primary reason that the productivity increases that we all expected computers to provide has failed to materialize. Specifically, MS'' unfair and illegal destruction of competitors is a discouragement to current and future innovators.

seth lytle
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46 josephine ave. #2
somerville ma 02144
617–666–6330

MTC–00017051

From: Mark Lewis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

My name is Mark Lewis, and I am a software engineer at Business Logic, a small software company in Chicago, Illinois.

I do not believe that the proposed final settlement in the Microsoft anti-trust suit is sufficient to stop Microsoft from continuing it's monopolistic practices. Specifically, in order to re-establish competition in the operating systems market, it is necessary to publish and document all API's between an application program and the host operating system. Without a requirement that ALL such API's be documented and available, no other operating systems vendor will be able to provide a third-party implementation of these API's, and Microsoft will continue to hold a monopoly in the operating systems market much as it does today. The Findings of Fact make it clear (paragraph 2) that Microsoft abuses private API's in a monopolistic fashion. The definition of APIs used in the Findings of Fact is effectively the same as the common definition of the term in the software industry, namely, ''. . . The interfaces between application programs and the operating system.''

However, the definition of the term ''API'' in the proposed final judgement is much more limited. It does not include all interfaces between application programs and the host operating system, and therefore the provisions for reasonable and non-discriminatory disclosure of APIs (section III.D) do not sufficiently address the issue. Since Microsoft would not be obligated to release all API's under the terms of the proposed final judgement (speaking of APIs in the sense commonly understood in the software industry), it will be able to continue to maintain its monopoly by releasing private API's under restrictive licenses to only those vendors it chooses.

—Mark Lewis

MTC–00017052

From: xero@dns1.provide.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

I believe that the prprosed settlement is a bad idea.

MTC–00017053

From: Geoffrey Costello
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Bad Settlement.

Dear Sir,

I am writing to you to voice my displeasure over the proposed deal with Microsoft. Microsoft is a company that has failed to follow the restrictions set upon it by previous judges and is beyond any doubt, untrustworthy. Microsoft has continued it's predatory tactics and the situation is worsening. With XP Microsoft is seeking to shut out competitors from the Desktop arena and to force consumers to upgrade to future Microsoft operating systems, even if no upgrade is desired by the consumer. If this company receives a slap on the hand after their previous behavior—which is exactly what the current remedy is—then they will have no reason not to engage in the same anti-competitive tactics they've used for the last decade. They will then use dominance on the Desktop to monopolize the server arena (with .NET).

Capitalism is a great system, so long as the companies in the economy are playing by the rules. Unfortunately, these rules are broken by some to the detriment of the vast majority of Americans. Phillip Morris, and Enron are extreme cases of bad behavior by US corporations. Microsoft is not in the same category as these companies, but they have broken the law, they are a monopoly, and several of their witnesses (including their founder) have committed perjury in attempting to maintain their monopoly. They must be punished severely.

If this deal goes through, it will significantly lower my opinion of, and confidence in the Justice Department as well as President Bush's administration.

Regards,

Geoffrey Costello

MTC–00017054

From: neil@peekshows.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

i think the proposed settlement is bad idea

MTC–00017056

From: Anthony Skipper
To: Microsoft ATR
Date: 1/23/02 12:39pm

Subject: Not a complaint about MS. Support for MS.

Hi,

I just wanted to write in and voice my support for Microsoft. Though they may have played unfair and did some stuff people didn't like they did help to unify the industry. To me that is the most important thing they could have done. I don't care if something costs more or doesn't have as many features. What I care about is that I don't have to worry that a web page designed for one browser isn't compatiable with another. The best thing that could have happened was someone won the war of the browser. Even better is that the most technologically sophisticated browser one.

Anyway, could you please leave Microsoft alone. I'm tired of my taxes being spent on this crap. I don't mine monopoly practices when the make my life better. (The goverment is also a monopoly and they make my left better so I don't complain about the goverment either)

Thank You,

Anthony Skipper

MTC–00017057

From: Jeebus
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

CC: activism@moraldefense.com@inetgw,letters@capitalis...

DOJ,

Your fallible and spurious pursuit of Microsoft does my, and many others, hearts, wallets, and American way of life a great disservice. What you have chosen to do is attack a company for perceived improprieties and anti-trust accused—not by consumers—but by competitors. Those who could not make a product affordable, user-friendly, or customizable enough for the market have used you, the DO J, as a device to focus their enmity and commercial jealousy. They lost; that is one of the side effects of capitalism—simple enough.

I have used Microsoft products for the past nine years; I am now a Microsoft Certified Professional and network securities enthusiast. I began my computer life using Tandy and Apple lie computers. They loaded their entire software suite from a floppy disk; to change a program required the computer to be shut off and restarted...each and every time. Microsoft created a full-fledge graphical user interface that allowed spreadsheets, documents, calculators, and vast panoply of Microsoft and 3rd-party software followed. Was Microsoft the first with a GUI? No. Was Microsoft the first with spreadsheets, word programs and games? No. What Microsoft created—and still creates—was an affordable easy to use solution for the mainstream public. Most people could neither afford UNIX-based machines nor did they have the inclination to learn to use the vastly complex UNIX operating system. Microsoft changed that.

Cheap machinery; cheap, easy to use software; ''double-click and go'' ease was what Microsoft brought to the marketplace. I currently run Windows 2000 Advanced Server at home for my Microsoft training and I happen to like it. Click here, click there, from time to time a written command at a DOS prompt and everything falls in line. Contrast that with my Linux machine and that is non-stop reading, non-stop typing, and an intricate and sometimes evil, if you will, operating system to troubleshoot. I appreciate the ease of use that Microsoft has brought me and millions of others.

In my time as a network administrator, I have seen the ease and comfort that Microsoft brings users and administrators alike. After watching my boss of many years Novell training struggle and fight using Novell 5.0 and then watching the ease with which he took to NT server and 2000 server, I cannot make the claim that Microsoft is a superior product; what I can do is claim that it is the superior product for the end-user experience and configuration. With Microsoft, an installed server can be up and running set to use DHCP, NAT, routing, print sharing and the like in under two hours. With others operating systems (IRIX, LINUX, SCO-UNIX), that could take a work day.

When I spent my money on parts for my computer that would go in my home for my personal use and my enjoyment, I did not expect the government to sit back and punish a company that made a great product and attempt to dictate what goes on my computer. They bundle IE...so what? It's free anyway.

If Netscape were so great, people would download it, uninstall IE and use Netscape only. Consumers are driven by excellence and ease of use. The Yugo was an easy to use car but it was a horribly Spartan and an unreliable machine—compare that to Hyundai, a manufacturer of also easy to use machines that happen to be reliable. My point is, the consumer will dictate where the market will go. If television viewers grow weary of reality TV, the executives of the station see that fact in the ratings and simply show something else. If a user does not like a web browser, they will undoubtedly search for another one until they feel they have something that befits them. The arrogance of the DOJ in dictating to me what I can use, if I find it excellent or not, is overwhelmingly anti-capitalist. I make the decision of what I want to buy; I make the decision as to what I want to use, not the DOJ. If I find it lacking, then that company has simply lost another customer. If enough share my opinion, the company will cease that product or die a free-market death as they should.

One overwhelming flaw in the DOJ's case is that the charges against Microsoft were not brought by the consumer, but by Microsoft's business rivals. SUN, unarguably, makes fantastic servers and mesmerizing stable operating systems. What they do not do, however, is bring a product to the mainstream consumer level. If they really cared about competing they would make an x86-compatible operating system. They recently decided to scrap that notion. I severely want to learn to use the SUN OS for my future computer work but why would I buy a $4,000 entry-level workstation to play with when I could enjoy the fruits of an OS for free or some trivial price? There is simply no incentive as an end-user to spend so much money on the hopes of having a satisfying experience with a computer.

Netscape is a company with numerous product failures and encryption flaws. There software is bloated, unresponsive, and prone to crash. They force users to register an email address and user name to use their latest software. They thusly inundate one with email and sell user names and email addresses to their advertisers. Microsoft does none of these things. To use IE you choose 'No'' to set up an internet account and you are done.

This next point may seem trivial but after watching end-users for three years on this issue, I have a good idea of what I am writing: people hate Netscape. When they click on the Netscape icon, 9 times out of 10 it will load successfully (and this is on the latest and best from Dell); when Netscape cannot load a page properly, it hangs and does not allow the user to press 'stop'' or 'reload'; it simply holds them in suspense while IE allows you to press 'stop'' and go on to another page.

Netscape, upon loading, takes a good six seconds on even the fastest machines. IE opens before you realize the mouse button after clicking its icon. Users make note of these things. I watched an entire department bemoan and spew forth mountains of rancor against Netscape because they were forced to use it for its email incorporation. Only for email would they use this product and at every turn they would complain to me about it. Just because a product has a huge market share does not mean the product was put their through illegal avenues. SUN dominates certain sectors of the server market because they make fantastic systems; why not haul them in for anti-trust charges of dominating the market?

A much more important issue evidenced by the DOJ's action against Microsoft is the perception amongst the public that the DOJ is attacking excellence and ingenuity. I'll try not to belabor the point but it is quite evident to anyone who can read or think that this type of action leads to socialist and communist states. If you attack and besmirch those who excel in the name of those who fail, then you punish achievement and laud failure. What example does this set for a capitalist society? The reason for America's success (as opposed to others failures) is its free and open market. With millions of points of ingenuity and creativity, we have secured ourselves in a system that, should one point fail, others will step in and take its place—with the government, there is one, inculpable point of failure and no good can come of that. What the DOJ is doing is saying that no point can ever go out, no flame ever extinguished.

I do not know if this is the product of bleeding-heart liberalism or people who do not even understand their own economy. Take, for example, SGI. SGI used to have a monopoly on high-end graphics for movie special effects. With Moore's Law and the decreasing price of computer hardware (coupled with the increase in graphical power), SGI is a dinosaur. The SGI seems to only exist for massive render farms (e.g., Los Alamos nuclear research) and FAA virtual airports. HP's line of PA-RISC and fx chips; Intel and AMD getting strong floating-point performance; nVidia and 3D Labs with affordable and extremely powerful hardware; and Microsoft and Linux clustering ability have made SGI a thing of the past for most corporations and movie studios. Why spend $30k for one machine when you could buy four machines, one with graphics card and three to support rendering, that would be geometrically faster than the SGI for a fraction of the price? It's called innovation. SGI failed to adjust for the low-end market and they have rightly suffered. Should you punish the collective of HP, Intel, AMD, nVi dia, 3D Labs, Microsoft and Linux, for excelling where SGI fails? I think not. It would be foolish and an instantaneous blockade to our free market. Why then, do you attack Microsoft for excelling where Netscape and other competitors fail? You really believe that bundling software is some brazen act of anti-trust? That would be laughable were it not so arrogant. Realplayer bundles a host of, to me, chintzy and useless software. What do I do with them if happen to need the basic Realplayer? I uninstall them.

While you might make not that IE cannot completely be uninstalled because the registry of Windows is closely coupled with the IE kernel, deleting the icons to IE is, to most people, the same as uninstalling it.

Don't like it, don't Use it. I have some forks and spoons that I don't like; I do not sue them for being in the drawer, I just ignore them.

I used to remember a time when I and others were encouraged to excel. Seems times have changed. In America, with the 'progressive'' and politically correct movement, there are no definitive wrongs or absolutes—except that the unapologetically wealthy and anything remotely Western civilization are bad. If I were poor, I would be embraced. If I wrote a book or invented something and became wealthy, ! would be repugned and hated by the very people who used to love me because they considered me to be oppressed by America. The DOJ is taking this same stance. By attacking Microsoft for its excellence, you embrace losers, yes ''losers'', and say to them that you'll take care of them because failure is alright and nothing to ashamed about—and two plus two equals five.

The federal government, other than national defense, does nothing as well or efficiently as the private sector. It is proven over decades and decades of empirical evidence—look at public schools; mountains of failure and no one to hold responsible. Why now then, does the DOJ believe it can put the hand of the government in the private sector and make things better? The government will only destroy our economy. The private sector is the economy. The government is a tool of the people, to serve our needs, not to mollycoddle and pander to the losers of our free market. There is nothing quite as bad as an untouchable, inculpable government overseer asserting power where it has proven, time and again, its incompetence. When the government fails, there is no one to hold responsible. The knowledge of such has proven to be quite the intoxicant for the DOJ.

Please cease this case against Microsoft. You only do American citizens and the economy harm.

MTC–00017058

From: guinevere liberty
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I, as a concerned citizen, must express my concerns regarding the proposed Microsoft Settlement or Proposed Final Judgement (PFJ).

The idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible and distressing.

Furthermore, I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future.

Also, some of the definitions are too narrow to fulfill their purpose or do not cover all areas in question. For example:

Definition A: ''API''

The Findings of Fact (2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

another example:

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft :

1. Microsoft discriminates against ISVs who ship Open Source applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. Additionally, there are sections of the PFJ that effectively encourage, rather than dismay, the monopolistic practices in question:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Please give serious consideration to these and similar problems with the current version of the Poposed Final Judgement or Settlement.

Thank you very much,

guinevere liberty nell

MTC–00017059

From: Francois Bradet
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo.

Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Francois Bradet

MTC–00017060

From: hproctor@www.lssi.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

The current proposed settlement through it's narrow definitions and its inability to quickly act allows Microsoft to simply side-step the injunctions against it and, by changing very little and relabeling its practices, allows Microsoft to continue anti-competitive practices as well as punish consumers and further business developments in increased costs and tighter licensing requirements.

Please ammend the settlement to truly open the standards so that America can truly benefit from fair competition and fair business practices.

Thank You.

HAP Proctor

MTC–00017061

From: Stephen Reppucci
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I'm writing to voice my opposition regarding the proposed settlement of the US Department of Justice's antitrust case against Microsoft. As a professional software developer, with over 20 years of experience in this field, I have watched Microsoft grow from a company which made marginally useful software into a colossus which uses its considerable weight to bully the software industry into making its products the only choice that a non-expert can turn to.

The proposed settlement does nothing to punish Microsoft for its past sins. From my understanding of the settlement, the most serious consequence for Microsoft in this settlement is that they are being asked to promise that they won't act in a non-competitive manner again. As history shows from past agreements from Microsoft, they have no fear of breaking promises such as this one as soon as the media focus shifts elsewhere and they feel they can again get away with their heavy-handed tactics.

Microsoft has an undeniable monopoly on the operating system market for Intel based PCs, a fact that has been determined by the courts, and one that's painfully obvious to me.

For further proof of this monopoly, I've personally had to pay for copies of Microsoft OSes four times in my life, even though I never use their operating systems. If one were to call Dell, Gateway, Compaq, or any of the other major PC vendors, and ask to buy a computer system without paying for a Microsoft operating system, they'd find that it's impossible to do. That is proof enough of a monopoly in my eyes.

Microsoft uses this operating system monopoly to advance the market share of other software applications it produces. The dominance of MS Office, Internet Explorer, Excel, and other applications, even in the presence of other applications that are at least as good, if not better than the MS products is further proof that Microsoft continues to use its monopoly.

The only reasonable settlement that I can envision breaking this cycle is to force Microsoft to split into two companies, one producing operating systems, and a separate one producing applications.

In addition, I'm in favor of seeing a settlement that punishes Microsoft for its past sins. Allowing them to keep the money they made while behaving in an illegal manner is not a fair settlement to me.

Thank you for considering my opinion on this matter. —

Steve Reppucci
sgr@logsoft.com
Logical Choice Software
http://logsoft.com/
My God! What have I done?

MTC–00017062

From:
m2caudi@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

About four years ago my wife and I bought an Aptiva PC. We bought it because of the IBM name. It came with the Windows 95 operating system. We had a coupon to upgrade to Win 98 but many articles and talk show interviews said that there were many bugs in the system so we opted out. Later, we bought a scanner. It is a UMax. The software that came with the unit defaults to Microsoft IE when attempting to attach a document to an email. We are using Netscape as a browser and had to get technical support and a couple of books to learn how to attach a document to an email. If we were using IE it required dragging the wanted document to an icon and zip it was done. We replied to an offer by AT&T to subscribe to their Worldnet. It came with Microsoft IE5.5. We refused it. In all of these examples it would be so easy for my wife and I to just accept IE and MSN and all of the Microsoft stuff but then it would eliminate our opportunity to get what we wanted.

Our thoughts are that if Bill Gates made lug nuts we would all be driving a Gatesmobile. The customer should have the opportunity to select the software that they desire and not be manipulated by technical strategies that are designed to make people conform to one product.

Thank you. Richard & Maya Caudill, 839 Loyalton Dr., Campbell, CA 95008

MTC–00017063

From: Gita Sukthankar
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement
To Renata B. Hesse
Antitrust Divsion
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001

I believe that the proposed settlement in the U.S. vs. Microsoft anti-trust case is woefully inadequate and will not achieve the desired effect of curbing Microsoft's monopolistic practices.

Certain terms are defined too narrowsly in the settlement; unless these definitions are amended to include future products Microsoft will be able to skirt around the spirit of the settlement and continue with its monopolistic and predatory behavior.

Definition K: ''Microsoft Middleware Product''

This definition should be amended to include .NET, given that Microsoft is touting C# and .NET as the middleware of the future. Open source implementations of .NET standards have to be able to compete effectively with Microsoft. Definition U: ''Windows Operating System Product'' This definition should also include Intel-compatible operating systems Windows XP Table PC edition and Windows CE. Given that Microsoft is focusing on the Tablet PC as the future business platform of choice, omitting these operating systems will mean that future court cases about handheld OSs are inevitable.

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MTC–00017064

From: Ron Ralston
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the settlement proposed in the Microsoft antitrust trial.

What is contained in that proposal provides neither adequate oversight and review to prevent recurrences of such actions in the future nor adequate penalties for those of the past.

Microsoft has been found to be a monopoly and to have used that position to illegally increase their fortunes at the expense of competitors, their own OEM customers, and the American public.

The proposed settlement seemingly accepts that Microsoft has behaved illegally, requires no meaningful compensation for their

victims, and requires that they behave very slightly differently in the future—and then only on specific and enumerated products. This sort of settlement will do little to discourage Microsoft from similar activities in the future and will do nothing to keep them from using their vast financial resources to circumvent it.

The proposed settlement does not apply to any and all products, of any sort whatsoever, designed, manufactured, or marketed by any company either partially or wholly owned by Microsoft, its heirs, successors, or assignees, past, present, and future—it should. It does not require full and open disclosure of all APIs and file formats to developers of products which might compete with Microsoft products—it should. It does not prohibit the predatory practice of releasing Microsoft products which ''cripple'' competing products—it should. It does not prohibit software licenses which prohibit (or seriously restrict) packaging of non-Microsoft products by OEMs—it should. It does not prevent them from using their nearly absolute control of the end-user computer interface to sell other Microsoft products and services—it should.

Finally, the proposed settlement seems to allow Microsoft to provide second-hand computers to under-financed school systems and supply them with Microsoft software. This is amazingly inadequate for several reasons:

First, there is absolutely no shortage of used computers in this country. I've worked for computer manufacturers and I can assure you that used computers are next to impossible to give away to school districts—they want want current models.

Private individuals, corporations, and government agencies scrap thousands of functional two or three year old computers daily and many of them end up in landfills because no home can be found for them.

Second, although the development cost of software is high, the manufacturing cost of the distribution media is negligible.

The out-of-pocket cost to Microsoft for operating system and application software CDs is only a few cents each.

Lastly, the concept of a settlement which requires that Microsoft's punishment for monopolistic acts be to actually extend the monopoly to include new victims who have escaped it in the past because of lack of funds verges on the surreal.

Find a settlement which protects us from Microsoft and is so painful to them that they never think of acting illegally again.

Ron Ralston
23704 El Toro Rd. #5–285
Lake Forest, CA 92630

MTC–00017065

From: Josh Thompson
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To whom it concerns:

I dislike the proposed settlement with Microsoft. Specifically, I dislike that, rather than punishment for things already done, the settlement mainly focuses on future ''restrictions''. I put that word in quotes because Microsoft will still be able to carry on many of their practices against the ''small guy'' because these people will not be able to bring a lawsuit against the monolith of Microsoft—they are simply to big and have too much power. I would like to see something that would actually prevent this kind of bully like behavior rather that just restrict it.

Sincerely,
Josh Thompson
Raleigh, NC

MTC–00017066

From: Jon McClintock
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: The proposed DOJ settlement with Microsoft, Inc.

Hello,

I'm am writing to voice my opinion that the proposed DOJ settlement with Microsoft Corporation is a bad idea. I do not believe that it is nearly sufficient to ensure equitable behavior on the part of Microsoft.

Sincerely,
Jon McClintock
El Cerrito, CA

MTC–00017067

From: Mike Van Wyk
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors and the public. The settlement does not do enough to curtail Microsoft from abusing it's monopoly power in the future nor does it address many of their past abuses.

Fair competition in software development benefits us all.

Thank you,
Mike Van Wyk
242 14th St SE
Auburn, WA 98002

MTC–00017068

From: Christopher Flynn
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I personally feel that microsoft should be forced to open up it's code so that developers can write emulators and libraries to bring microsoft code to other platforms such as mac and UNIX instead of having to create slow emulators that don't emulate things 100%, thus restricting the operating system to a user depending on the programs they want to run.

-Christopher Flynn

MTC–00017069

From: Tim Butterfield
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

To whom it may concern,

I wanted to add my voice to those who disagree with the proposed judgment against Microsoft. I agree with Dan Kegel's comments on many points, though I will address just a few of these here. As a software developer working on Windows, Solaris and Linux, the proposed definitions of API, Middleware, Middleware Product, Windows OS and the non-disclosure of proprietary file formats are troublesome. I define API as an application programming interface. This is not limited to only operating system interfaces. For example, applications, libraries, other development tools and even web services like Passport have interfaces which can be programmed to. These are all APIs, which appear to be excluded under the proposed definition. Middleware should not be defined or limited by a version number, but by how the software is architected. Many web enabled applications I have worked on have a middleware component as do many desktop applications. With development using the new .NET architecture, these portions of the applications will still be considered middleware. As that middleware may use .NET, .NET must therefore be either middleware itself or part of the underlying ! operating system. However, .NET does not appear to be classified this way in the proposal. As for the file formats, they should be open and documented sufficiently to allow the use of those file formats on other operating systems and by other applications. The current proposal is lacking in this requirement.

One other area that I find particularly heinous is the practice of prohibiting the sale of computers without a Microsoft operating system installed. It is impossible or nearly impossible to buy a computer, especially a laptop computer, without it having some variety of Microsoft operating system installed. I would like that option to be available in the marketplace and the current practices make it prohibitive for manufactures to do this.

I hope that a more amenable solution can be arrived at.

Sincerely,
Tim Butterfield

MTC–00017070

From: Stephen Moehle
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. I believe that it does not do enough to penalize Microsoft for past anticompetitive behavior, nor does it do enough to prevent Microsoft from engaging in such behavior in the future.

In particular the definitions of the terms ''API'' and ''middleware'' are much too narrowly defined and would allow Microsoft to withhold a great deal of information necessary for a competitor to fully use the APIs and integrate with Windows.

Further, many Microsoft APIs may be covered by software patents. All APIs must be licensed free of charge to all developers but in particular to open-source developers, and any relevant patents must be licensed royalty-free.

Also, the proposed settlement does nothing to prevent Microsoft from retaliating against OEMs that sell computers with non-Microsoft OSes installed, most notably Linux. OEMs must be free to sell computers with any

operating system they wish and still be able to purchase the Microsoft OSes at the same prices as any other OEM.

Stephen Moehle
Berkeley, CA
Software Engineer

MTC–00017071

From: cary roys
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea, and contrary to what you may think, will actually worsen Microsoft's stranglehold upon the computing industry.

—Cary Roys

MTC–00017072

From: Danny Calegari
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

As a consumer of computer software, and a person who uses computers and computational tools in essential ways in my work (I am a professor of mathematics at Harvard), I would like to strongly suggest that the proposed Microsoft Settlement is a bad idea. My specific objections are numerous, but I will restrict myself to just one: the PFJ does *not* go far enough in prohibiting exclusionary licensing practices by Microsoft towards ISV's. For example, programs developed with Microsoft Visual C++ may not be distributed with windows-compatible operating systems; in particular, the Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This is only one of many examples; in order for the PFJ to have substance to it, it must comprehensively uphold the abilities of consumers to pick and choose combinations of free, open-source, and proprietary software to use with each other in whatever manner they see fit.

I hope you find this opinion useful.

Yours sincerely,
Danny Calegari PhD

MTC–00017073

From: Ed Silva
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement of the Microsoft anti-trust case is simply unacceptable. It would reward them, not punish them, and allow them to further expand their monopoly to a market which is not completely controlled by them. How can expanding their monopoly be punishment?

Please, go back to the drawing board on this one. The future of the computing world is at stake here, and there are many who dread the thought that Microsoft will have a strangle hold on it.

Yours,
Ed Silva

MTC–00017074

From: Waterman, Bryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am completely opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not come even close to redressing the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Microsoft has been convicted of anti-trust violations. The proposed settlement provides no punishment that will convice Microsoft to change their corporate behavior, or does it provide adequate releif for the injured party: namely myself and millions of other computer users that are litterally forced to use Microsoft products.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. This fact must be evident, given the huge public outcry against the proposed settlement, as well as the fact that many of the States Attorneys General have publically said that the proposed settlement does not provide any measure of justice. The follow is a list of minimum remedies that court should consider. Remember, Microsoft is guilty, do not let them buy their way out.

Proposed remedies $4 billion in fines, payable to the US government

Microsoft Windows, 2000, XP source code must become government property.

Rights to lisence this code will be auctioned off just as the FCC auctions off spectrum rights. Microsoft will be allowed to keep the applications as copyrighted works, with the copy-right experation date to be 2006.

All EULA agreements with Microsoft are declared void.

All licensing contracts with Microsoft are to be voided, and new contracts must be made publicly availible. No more secret discounts.

Any prohibition against ''dual boot'' computers must be declared void and immediately removed from any contracts with Microsoft. This provision should be implemented immediately, irrespective of the time line of other penalties.

If Microsoft violates the terms of the above remedies, they are to be broken up as a company

Sincerely,
Bryan Waterman

Using Microsoft products is like dealing with a cross between Marvin the Paranoid Android, HAL, and a VCR that always blinks 12:00.

MTC–00017075

From: aljmc@alhpx2.agere.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

Speaking for myself and NOT my employer: As a computer scientist with more than 20 years of experience I am astounded at the MS—DOJ settlement proposal. Aside from the money spent to hold the trial and the subsequent negotiations essentially nothing has or will change and MS will suffer no pain or penalty for their monopolistic manipulation of the software industry.

My suggested course of action is to retry the case and this time allow some of us who understand just what MS is doing wrong to participate in the trial.

Joseph M. Cassano

MTC–00017076

From: Shawn Grant
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is insufficient. Microsoft has been found guilty yet it does not seem as though they are going to be punished at all. The settlement only attempts to force Microsoft to act a fair manner without punishment for its transgressions, and still fails to do that. I feel one of the main problems with the settlement is the lack of protection afforded to the Open Source community. At this point, Linux and other Open Source projects appear to be the only viable competition to Microsoft, yet the settlement allows Microsoft to decide on their viability as a business and withhold access to Microsoft APIs, documentation, and communications protocols.

I call for further restrictions and punishment in the settlement with Microsoft. Thank you for your consideration.

Shawn Grant
Software Engineer
Ventura, California

MTC–00017077

From: Wilson, Harry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:45pm
Subject: No

After careful analysis. I ask that you not approve the Microsoft Settlement.

Harry H. Wilson
Director of Information Services
Standard & Poor's Financial Communications
711 Atlantic Avenue
Boston, MA 02111
(617)357–6235
http://fc.standardandpoors.com

MTC–00017078

From: Deven Phillips
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

In the settlement proposal in the case of US Department Of Justice v. Microsoft Corp. there are many weaknesses. Below is a list of some of the more glaring misgivings I have concerning the case:

I. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by Windows Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

II. How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware. A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

III. How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

IV. What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-

patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

V. Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

VI. Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications

The Microsoft Windows Media Encoder 7.1 SOFTWARE DEVELOPMENT KIT END USER LICENSE AGREEMENT states: ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.''

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

The Preceding examples are only but a few of the potential loop-holes in the Proposed settlement. For a more complete listing, please refer to : http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/remedy2.html

Mr. Dan Kegel has performed a great deal of research and speaks for a large number of software developers, systems engineers, and various other information technology professionals with his misgivings. Al so, more information can be found at:

http://www.salon.com/tech/col/rose/2002/O1/16/competition/index.html

http://www.boston.com/dailyglobe2/O15/business/Microsoft_case_key_to_tech_s_future+.shtml

http://computeruser.com/articles/2101,3,1,1,0101,02.html

http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20–OP–MS

Please take these items under consideration prior to approving the proposed settlement, as the PFJ as it stands will not only fail to acheive the goal set forth by the findings in the case; but it may in fact drive Microsoft's anti-competitive practices to an all time high.

Respectfully,

Joseph B. Phillips, CISSP
Senior Information Security Analyst
Computer Sciences Corporation
RITSC Hawaii Information Assurance
350 Ward Ave. #106–193
Honolulu, HI 96814
PH: (808) 348–0885
E-Mail: cytronix@lava.net

MTC–00017079

From: JBurkhard@icfconsulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: microsoft settlement

The Proposed Final Judgement in United States v. Microsoft is a BAD IDEA. This judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

John C. Burkhard
John C. Burkhard
ICF Consulting, Inc.
9300 Lee Highway
Fairfax, VA 22031

MTC–00017080

From: Nic Simonds
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past,

but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Nicolas Simonds
763.551.6517
nic@tricord.com

Computer Science—n.—A study akin to numerology and astrology, but lacking the precision of the former and the success of the latter.

—Stan Kelly-Bootle, The Computer Contradictionary

MTC–00017081

From: Spencer Roedder
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I would like to put on record my opposition to the Proposed Final Judgment in the Microsoft anti-trust case as inadequately restrictive of Microsoft's anti-competitive behavior.

As just two examples:

1. The PFJ requires Microsoft to release internal API specifications to Independent Software Vendors only at the time the software goes into beta release. This gives inadequate time for ISVs to make their software compatible (or competitive). Further, Microsoft can easily manipulate the schedule or labeling of pre-releases (e.g., ''alpha'' releases) to circumvent this requirement even further.

2. Nowhere does the PFJ require Microsoft to release undocumented file formats, even though it was established in the Findings of Fact that these undocumented formats form part of the barrier to entry for ISVs. Thank you for your attention.

MTC–00017082

From: Reid Young
To: Microsoft ATR
Date: 1/20/23 12:43pm
Subject: Microsoft Settlement

This settlement is a horrible idea. I'm adding my voice against it.

-Reid Young
Student @ Purdue University

MTC–00017083

From: Robert Feldbauer
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I believe definition U. should be ammended as follows: ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Sincerely,
Robert Feldbauer

MTC–00017084

From: Bret Jordan
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. I truly believe that they have to much power in forcing us to use their products and do things their way. For example, even though they claim that you can remove IE from their new WinXP product. You really can not. Their remove mechanism that they offer only removes the ICON from the desktop.

I am also not saying that you just dissolve the company to the point where the stock market suffers. But there has to be more stringent guidelines that could be put in place that will protect the end users and Microsoft's intellectual property.

Thanks for listening.

Bret Jordan
2175 S TEXAS
SLC, UT 84109
Bret Jordan
Dean's Office
LAN Manager
College of Engineering
801.585.3765
University of Utah
223 KENNB
bret.jordan@utah.edu

MTC–00017085

From: Michael Darrin Tisdale
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I have decided to write this email to voice my opposition to the DOJ's proposed settlement with Microsoft. There is one key provision in it which I feel makes many of the other provisions null and void; thereby rendering much of the agreement worthless and the market effectively more anti-competitive.

One of the key definitions in the Agreement allows Microsoft to determine to whom it will license access to APIs and the like. Section III (J)(C) allows Microsoft to reject licensors from accessing its APIs, Documentation, or Communication Protocols to those that meet Microsoft's criteria for a business: the licensor must ''...(c) meet(s) reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' Further, Section III (D) restricts the types of licensors for its ''middleware'' by defining independent software vendors, and others to only those that specify a direct commercial concern—in effect, a profit oriented organization. Lastly, even the US Government would be disqualified from licensing the technology for its solutions, as the US Government would not meet those requirements.

Of course, the major challenge to Microsoft today is not from businesses but from the Open Source community, one in which people do not desire to directly profit from their works. Since products like SAMBA, an interoperable version of Microsoft's file sharing system, are not from a business according to Microsoft, Microsoft would be able to kill off its primary competitor by refusing to license any information about its protocols. SAMBA depends upon this information to make its product compatible. Without access to that information, they would be unable to continue producing their product. Strangely enough, then, Microsoft gets to determine its competitors, something I have never known any company to be able to do in its market. Only companies which meet Microsoft's standards for a business would be accepted; as these businesses would be at a clear distribution, marketing, and licensing disadvantage compared with Microsoft, the opportunity for real competition would fade away.

As a developer who uses both Microsoft and non-Microsoft products together, I have always struggled to achieve my goals as Microsoft has always hoarded its proprietary formats so that they control the information. I depend on interoperability, not single source solutions. That approach gives my clients a choice, the key advantage to a market, in their operations. If the current Agreement is approved, I am sorely afraid that I will no longer be able to offer that choice to my clients. Sadly, the market will become more monopolistic and ultimately defeat the goal of the Agreement.

I therefore do not support the approval of the Agreement, and I strongly urge you do reject it.

. . . M. Darrin Tisdale

MTC–00017086

From: Michael Bosland
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Hi,

Hi,

I'd like to add comments to this landmark case which will greatly affect me and most other Americans.

There are many problems with the settlement the DOJ is proposing. I won't go into them here, but instead concentrate on one area that it does not address.

Microsoft has been judged in the past to have intentionally modified it's products to degrade the user experience of end users attempting to use a competitor's product. An example is the 1996 Caldera vs. Microsoft case. This example shows how Microsoft diliberatly degrades it's product to both harm end users and competitors. The second harm feeds back into an even greater harm on end user by effectively destroying competition. One of the DOJ's primary missions is to ensure that competition is not illegally suppressed in this fashion.

The Proposed Final Judgement does nothing to prohibit or even discourage this behavior. Therefore the Proposed Final Judgement should be either discarded or redrafted to address this issue.

Thank you for taking the time to hear my view,

Michael Bosland
Kirkland, WA

MTC–00017087

From: Brian Rudden
To: Microsoft ATR
Date: 1/23/02 5:45am
Subject: Microsoft Settlement

To whom it may concern, I have read about the proposed settlement in the Microsoft

anti-trust case, and am not in favor of it in it's current state. In the past, I have been particularly appalled at Microsoft because of it's rampant anti-cometitive and monopolistic nature. In my views, the settlement does little to correct Microsoft's past actions, and does very little to prevent (or discourage) future anti-competative actions. Even during the proceedings, Microsoft has flamboyantly persued markets outside of it's core market (Operating systems and Applications), all the while hampering competition.

As an example: Microsoft's recent move into telecommunications, Broadband, and Internet Service, with Qwest Communications is indication enough that they have no plans to cease their anti-competetitive nature. In the process, they are injuring the economy of local service providers, by making it more difficult to obtain Broadband DSL service through another provider.

I respect the ideas of capitalism and free market, however, there has to be a limit to the amount one corporate entity can control the market—before the market is no longer free.

Thank you for your time,
Brian Rudden
4850 Osceola St.
Denver, CO 80212
modec@modec.net
modec@4dv.net

MTC–00017088

From: Christopher Palmer
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. The current settlement proposal does not redress the actions committed by Microsoft in the past, nor stop them committing similar actions in the future.

The provisions within the current settlement only serve to formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of the law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

I too want to see a settlement come sooner, rather than later, but it is wrong to reach an unjust settlement just for the sake of settling.

Sincerely,
Christopher T Palmer

MTC–00017089

From: Tony Notto
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to protest the proposed settlement with Microsoft. One of the many reasons I am opposed to this settlement is that it fails to, as the court of appeals stated in their ruling (section V.D., p. 99), ''...ensure that there remain no practices likely to result in monopolization in the future.''

For example, the proposed Final Judgement's definition of the term ''API'' is overly narrow and excludes Windows APIs used by other application programs. This means that Microsoft would be able to continue to build means of interaction between its operating system and its other software packages, without having to make the specifications for that same interaction available to developers of competing software packages. Thus, Microsoft's anti-competitive practices would continues as they have in the past.

The fact that the Proposed Final Judgement does not address many of Microsoft's anti-competitive practices is very serious. Please review the PFJ in light of the comments you have received, and amend it so that it will no longer have any shortcomings that would allow Microsoft to continue it's discriminatory and anti-competitive practices. You can find a much more thorough evaluation of the PFJ in Dan Kegel's essay available at http://www.kegel.com/remedy/remedy2.html and mirrored at http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/remedy2.html

Sincerely,
Tony Notto
Student, University of Minnesota

MTC–00017090

From: RW Hawkins
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

I am writing in regards to the Microsoft settlement. I have been an avid computer user all my life and have seen good technologies come and go. That is just the facts of life. I am extremely discouraged however when large monopolies such as Microsoft make it all but impossible for the little guys to have any chance of success.

In particular Microsoft's historical actions to make their software incompatible such as in the 1996 Caldera v. Microsoft example is disheartening. I hope one day to be a member of a successful computer company that gives users total choice over their hardware, software and applications. I foresee a future where this is impossible if some measures are not taken against Microsoft.

Additionally I see Microsoft moving into areas where they have not been before in order to control the games our kids play, the music we listen to even the photographs we take. As a photographer I am shocked about the new digital photography software they have introduced in Windows XP for free that will do to Kodak what Internet Explorer did to Netscape, all but destroy it.

I hope you will listen to my opinions in calling for a remedy that somehow levels the playing field for us ''small guys''. Any settlement must have some aspect of punishment for past regressions but more importantly imposed controls to prevent Microsoft from doing what they have done in the past in todays very different and changing environment.

Thank you,
Richard Hawkins
Sunnyvale, CA

MTC–00017091

From: Steven Patt
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

I am writing to object to any proposed settlement of the suit against Microsoft which does not deal with the future consequences of past ill-gotten gains. Microsoft has gained billions upon billions of dollars by employing tactics which have been determined to be illegal.

Our company is a successful company developing software for Palm handhelds. Microsoft, which most certainly does not have a monopoly in the handheld market, and is also for the most part (at least as far as I can tell, but I may be wrong) not using ''linking'' with their existing monopolies to extend their reach into the handheld market (i.e., they are not including a PocketPC handheld with each copy of Windows), STILL is using its billions in ill-gotten gains to market that product and gain market share from Palm, to the detriment of Palm, Inc. and to companies such as ours which develop software for PalmOS handheld units.

In my opinion, the ONLY equitable solution would be to confiscate (i.e., fine) ALL of Microsoft's ill-gotten gains and ''level the playing field''.

Steve Patt
President, Stevens Creek Software
slp@stevenscreek.com

MTC–00017092

From: Peter Clark
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To Whom It May Concern:

The basic finding that Microsoft is guilty of anti-trust violations screams for much broader remedies than those currently proposed. Microsoft must not be allowed to return to anticompetitive behavior as a normal way of doing business. I strongly reject the proposed settlement and request the court to reconsider options to better restrict the ability of Microsoft to return to its monopolistic ways.

Thank you.
Peter Clark
550 Greenwich Street
San Francisco, CA 94133
(415) 433–5033

MTC–00017093

From: Dan Wood
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

I am the founder of a small, struggling computer software company. I do not believe that the proposed final judgment against Microsoft goes nearly far enough. Microsoft

has done so much to damage the computer industry; their punishment must be *far* greater than the proposal that I have read.

Dan Wood
dwood@karelia.com
http://www.karelia.com/
Watson for Mac OS X: http://www.karelia.com/watson/

MTC–00017094

From: Scott Cuyle Fritzinger
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed Microsoft anti-trust settlement. The settlement is inadequate in several areas, but in particular is the disclosure of the Application Programming Interfaces (API's) in Microsoft products.

The provision of the settlement dealing with disclosure of the API's does NOT provide adequate language to enforce full-disclosure, nor does it even require full-disclosure. The language is too tightly worded such that it limits exactly what Microsoft must document to other developers. It lists specific Microsoft programs and operating systems that are required to be publicly documented in regards to the API, but this is not satisfactory.

Most noticeably missing from the API disclosure list is Microsoft SQL Server, which is their flagship database server. Microsoft has been using their desktop monopoly to leverage their server software, which has been succeeding to the detriment of competition from other server products. If allowed to continue, this illegal practice will allow Microsoft to further force its insecure server software onto consumers. What happens if most Fortune 500 businesses have to run SQL Server and a bug/vulnerability is found in that software? The core businesses that are the landmark of commerce in this country will be left vulnerable to hackers worldwide.

That would be an embarrassment to this country.

Another problem with the settlement is that, by specifying specific software names and versions, you allow Microsoft to simply rename/rebrand products after the settlement goes into effect and therefore circumvent the API disclosure protections. Consider what happens if they were to rename Windows Media Player to ''Windows Media Runner'' or something else? It is no longer the same official product, therefore not bound to the API disclosure protections.

I will not even go into the problems this creates in regards to Microsoft.NET. .NET is a ''next generation'' platform that, if not properly documented publicly, will yet again lock people into Microsoft products. This is already happening because Windows XP has .NET capabilities already included. This is simply scary.

To fix this, you would have to remove the restrictive language from the settlement and have Microsoft release the API for ALL of their operating systems, regardless of middleware/applications. By restricting API disclosure to middleware/operating-system combinations, you are giving Microsoft a way around any sort of API disclosure requirement built-into the settlement.

What people are missing through-out this trial is that an operating system is simply a foundation for computing. It provides the structure for which to run/build other applications. If Microsoft keeps secret the part of the foundation that is the strongest and uses it only for their applications (secret API's), then competitors start off at an EXTREME disadvantage. That's what this boils down to and Microsoft knows this.

Scott Fritzinger
Reno, NV

MTC–00017095

From: Joseph Manojlovich
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am taking the time to write this email to voice my concern over the proposed Microsoft antitrust settlement. I am a graduate student at the University of Pittsburgh School of Information Sciences, and also a consumer of computer products. As both an information technology specialist and a consumer, I feel that Microsoft has caused great harm, and this proposed settlement in my opinion does very little to prevent current and future antitrust violations by Microsoft. In fact, the numerous loopholes in the current agreement may very well increase Microsoft's power in certain markets.

I may not be a legal expert, but I fail to understand how this settlement falls within the realm of established crime and punishment. When somebody robs a bank, and are subsequently caught, they not only pay back all the stolen money and goods, but are fined and imprisoned. If a large company steals billions from consumers by leveraging their monopolies, they should be forced to repay their illegal gains and also divest themselves of their monopolies. This proposed settlement is hardly a punishment for Microsoft, and will allow them to continue to dominate current and new markets, adding their illegal profits to an ever-growing war chest that runs in the tens of billions of dollars now.

In my opinion, the proposed settlement is simply an illogical attempt to help the current economy by letting a large company off with a slap on the wrist. It does nothing to curb current and future illegal behavior by Microsoft, and certainly provides nothing in the way of repriations for past illegal behavior. A much better way to help this weak economy would be to really punish Microsoft: break up their monopolies, and return their ill-gotten gains to consumers.

A settlement best serves the needs of all involved in this case. Without one, this case will continue to drag out over the next few years, with continuing antitrust violations by Microsoft. However, this proposed settlement should not be seen as a solution.

Let us not forget history. Microsoft is in this antitrust trial only because they willfully violated a consent decree that was a settlement in a past antitrust trial. Microsoft will violate this settlement 5 minutes after the signatures are dried. They are a predatory company that cannot compete without violating the law. As an American citizen, I vote to reject this proposed settlement and replace it with one that will both punish Microsoft and restore real competition to the marketplace.

Sincerely,
Joseph Manojlovich

MTC–00017096

From: Patrick Joyce
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: The proposed settlement to the Microsoft antitrust case does absolutely

The proposed settlement to the Microsoft antitrust case does absolutely nothing to prevent them from continuing their illegal activities. In fact, it condones them continuing and expanding these practices.

A few examples:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Aren't these textbook examples of anti-competitive practices? Hasn't the Justice department slapped Microsoft on the wrist for these before? The time for a ''slap on the wrist'' is long past. The time for real, effective punishment is now.

In addition to my vehement rejection of the proposed settlement as fair and equitable, I would call into question Mr. Ashcroft's motives in this case.

Anyone with basic knowledge of computers and the law can see how this settlement does nothing but support Microsoft's monopoly status. Certainly the Attorney General of the United States knows this as well, and a investigation into his relationship with Microsoft should take place immediately.

MTC–00017097

From: Jeff Jones
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite
1200 Washington, DC 20530–0001
23 January 2002

I would like to comment on the proposed settlement in the antitrust case against

Microsoft Corporation, as provided for in the Tunney Act. I believe the proposed settlement will operate to prevent, rather than foster, competition in the market for operating systems and applications, and will allow Microsoft to continue its prior anticompetitive behavior with little restraint. For example:

—Section III.H.3 of the proposed judgement requires independent vendors (ISV's) who offer competing middleware to meet ''reasonable technical requirements'' seven months before new releases of the Windows operating system, but it makes no requirement on Microsoft to—disclose—those requriements before this deadline. ISV's are thus dependent on the simple goodwill of Microsoft to voluntarily disclose those requirements, and Microsoft can prevent ISVs from meeting the seven-month deadline by simply failing to disclose the requirements in advance.

—Definition U of the proposed judgement limits the definition of ''Windows Operating System Product'' to a limited subset of the OS products currently offered by Microsoft. It excludes current OS products such as Windows CE, Pocket PC, and Windows XP Tablet PC Edition. This overly narrow definition allows Microsoft to maintain its monopoly on Intel-compatible operating systems simply by basing some part of its future OS development on these excluded OS products and claiming that they are exempt from the restrictions of the proposed judgement because of that lineage—even if such future products are targeted to the desktop/portable computer market currently served by the OS products restricteds in the judgement.

For these reasons and others, I believe the proposed judgement will allow Microsoft's current anti-competitive behaviors to continue and will thereby prevent the entry of viable competitors into the operating systems market. The settlement is therefore not in the public interest and should not be adopted without thorough revision.

Jeffry Jones
Senior Internet Application Developer
weather.com
Marietta GA

MTC–00017098

From: Andy Zbikowski
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

• The PFJ doesn't take into account Windows-compatible competing operating systems

• Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

• The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

• The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

• The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

• The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

• The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

• The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

• The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

• The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

• The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

• The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

• The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

• Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

• Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

• Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

• The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

• Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

• The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

• The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

• The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

• The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

• The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Andrew S. Zbikowski, Minneapolis, MN;
Information Technology Specalist
University of Minnesota Computer Science Dept.
Andy Zbikowski <andyzb@cs.umn.edu>
Computer Science/ITLabs Systems Staff
University of Minnesota, Twin Cities
Office: AHPCRC #154 Phone: 626–8090
When in danger, or in doubt, run in circles, scream and shout!

MTC–00017099

From: Eric Murray
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft must be punished for their crime and not be swept underneath carpet. Corporate and government department must learn that the law is for the people and not these large money laiden groups. They are guilty and should be punished, but forced to play ball like everyone else.

Their domination of the market is not helping the consumer, but causing more trouble then it is worth. Security holes, buggy software, and lack of revealing information to developers to allow them to be at the same level as MS's products with hidden APIs and other bits of information that would allow others to release better apps.

The OS market should be rip from their hands and sold off.

Thank you and don't let our rights be trampled over....

MTC–00017100

From: Rich Salz
To: Microsoft ATR,Rich Salz
Date: 1/23/02 12:45pm
Subject: Comments on proposed settlement

The proposal is seriously insufficient. It assumes they will act in good faith, when history clearly shows otherwise; they have yet to admit guilt, as a most recent example! A secret three-member panel is incapable of enforcement over the world's largest software company. I am not a lawyer, and I was able to find many ways to obey the letter of the agreement, while still violating the spirit such that they could continue to illegally

monopolize large portions of the computer industry; I cannot begin to imagine what loopholes they will find. Finally, I am offended that they are being allowed to keep ALL of their illegally-obtained profits.

Zolera Systems, http://www.zolera.com
Information Integrity, XML Security

MTC–00017101

From: Bill Graham
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Hello

I would just like to say that I disagree the proposed settlement.

I'm annoyed that part of the settlement is that Microsoft will be giving away millions of dollars of software to educational institutions. This is fine, but Microsoft is deciding how much it is worth, not the DOJ. Also, this is furthering the monopoly, the exact thing Microsoft was convicted of. This is like punishing a car thief by sending her out to steal more cars. This fixes nothing, and actually causes more damage.

I am also very nervous about words in the settlement which say that Microsoft is essentially allowed to discriminate against Open Source projects, vis a vis publishing of APIs.

The whole settlement document is written in such a way that there is absolutely no curtailing of Microsoft's monopolistic practices, and, frankly, it looks to me that this document actually *rewards* Microsoft instead of punishing it.

Sincerely,
William E. Graham

Bill Graham—Software Engineer/GIS Analyst
CompassCom, Inc.
6770 South Dawson Circle, Unit 1A
Centennial, Colorado 80112–4224 USA
Phone—303.680.3221
Fax—303.766.2488
Email—billg@compasscom.com
Web—www.compasscom.com

MTC–00017102

From: Andy Vander Meulen
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

I am 69 years old. I am the second of ten children from Dutch immigrant parents. I was born in California and moved to Washington state when I was 16 years old. My Dad and family were in the dairy business and I dropped out of high school to help my Dad on the farm he purchased at Sumas, WA. I served my country in the Korean conflict and went into the dairy business after I was discharged from the service.

I evolved into milk marketing and it has been my occupation for 30 years. I had a good understanding of milk pricing numbers but was afraid of computers. In 1984 I lost my job with the cooperative and cheese plant operation I had put together and had to start all over again. I took a class at Skagit Valley College to learn to operate a computer.

I started a new producer cooperative and began marketing their milk. I was able to learn to do pricing and spreadsheets using Microsoft's ''Works'' program and I still use it today. I run this small producer cooperative from my office in my home and we have our operating costs the lowest in our area. Microsoft products are the most reasonably priced products on the market. I have made a good living for my family and I say Microsoft made that possible by lowering the cost of software and the products that are available to us consumers. My computer and my Microsoft software are the cheapest investment I have in my business and what I'm able to do with it.

We say we are a nation of ''rule of law''. It appears to me that we are becoming a nation of ''abused by law''. We had a corrupt administration who catered to the cry-baby competitors of Microsoft and a bunch of money grubbing attorney generals who are just after the money like they did in the tobacco debacle.

It is time to end all this lawyer waste of time and money and let competition determine the winners and losers. Microsoft should be applauded, not persecuted for what they have made available to us average American consumers.

In closing I would suggest the DOJ keep an eye on AOL. I can't hardly watch anything on my satellite dish but it's AOL Time Warner. If they have their way, they will control our TV, movies, music, internet, software, and computer operating systems.

Microsoft used their elbows to defend their business against a group (including AOL) who sat down together and said ''Let's slay the dragon at Redmond''. I say they were guilty of collusion.

I believe the settlement with Microsoft by the DOJ and nine of the states is fair to Microsoft, and we the consumers. I would ask that the Judge approve this settlement and let's all get back to work.

Respectfully,
Andy Vander Meulen
P.O. Box 753
Mount Vernon, WA 98273
360/428–1989

MTC–00017103

From: Doug LaRue
To: microsoft.atr
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

Dear Sirs,

I have over 15 years of experience in the electronics industry and I find it very difficult to see Microsoft get away with impeding progress every year, with producing inferior product, with jeopardizing our national security, with outright control of how we communicate. And it's not stopping there. Today they, the Microsoft Corporation is selling a computer system at a price lower than the cost of production and calling it a ''game console''. This ''game console'', running Microsoft Windows operating system, is the latest effort to control not only how we communicate but what we see and hear through our entertainment systems. They have used constantly changing file formats of it's office applications to keep out competition to the point that PLAIN TEXT is about the only common denominator left for written/electronic communications and soon they will use their billions in illegally obtained funds to finance the control of the media formats brought into our homes via cableTV and telephone lines. They used constantly changing operating system API's to make sure the competition in the application market was months behind them that existing product stopped working when a ''new'' upgrade to the operating system was released. I could go on and on about how they controlled the market and systematically eliminated competition without the consumer being able to make a REAL choice.

As you can tell, I don't think the current ''settlement'' addresses much of what harm has been done by the Microsoft Corporation. I'm amazed that there could be such a settlement without the majority of the States. After all the States were going to include Microsoft Office and applications in their own case but agreed to drop that for a combined effort with the DOJ. Another monopoly issue was dropped to get this PROBLEM behind us (the people of the USA) and move on. But then the DOJ settles on it's own without the States? A settlement with no teeth no less.

Just look at Section III.A.2. It allows the Microsoft Corporation to retaliate against any OEM it wants to that ships/sells personal computers which contain a competing operating system but not one of the Microsoft Corporations operating systems.

There is almost nothing in this ''settlement'' which restores competition and PREVENTS the Microsoft Corporation from continuing is behavior in the personal computer, business server, home entertainment, and handheld computing markets. I'm sure there are others too.

The damage the Microsoft Corporation has done has actually reduced our productivity. The IBM Corporation shipped an operating system back in 1991 which used as it's desktop foundation a technology called CORBA. The operating system was years ahead of the Microsoft Corporation in it's design and function.

Where is it today? Why were so many companies ''attacked'' my Microsoft Corporate employees to the point that billions of dollars could be brought to bear on them if they continued to support the superior products from the IBM Corporation? Today it is Linux and PalmOS. What about the fact that Microsoft built it's own 3D graphics system even though there was an industry standard called OpenGL? It took them more than 6 years to get something close to OpenGL's capabilities but now again, they eliminated competition because the Microsoft Corporations 3D graphics systems ONLY RUN ON MICROSOFT operating systems and is incompatible with OpenGL. Reinventing the wheel and then only allowing the new wheel to fit one buggy/cart is NOT progress.

Where is the progress if all the Microsoft Corporation does is make products/systems which will only run on their operating systems? There is a well known term for this in the computer industry. It's called:

EMBRACE/EXTEND/EXTINGUISH

The proposed settlement does NOT solve the problem or fix what damage was done.

IMHO.

Kind regards,

Doug
Doug LaRue
President
Pellico Systems
San Diego, CA.
phone: 858.272.7509 fax: 858.483.1096
email: dlarue@pellico.com
http://www.pellico.com

MTC–00017104

From: Chris Jones
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Dear Sirs:

I think the currently proposed Microsoft settlement is bad. It allows Microsoft to continue to act in an illegal manner and does not punish them enough for their past transgressions.

Regards,

MTC–00017105

From: Gaylord Holder
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft vs. DOJ Settlement

I have been a computer professional for more than 20 years, working for the US Air Force, several universities, and priviate companies.

When I began, Microsoft, and Microsoft products where an island of stability in the confusing chaos of PCs. By buying the operating system and office suite from the same company, one often got a more stable machine than one might have getting DR–DOS, and Word Perfect. I liked those early versions of MS-Word, and Excel.

Soon, I began hearing that Microsoft wasn't fixing bugs—not just in Word, or Excel, but in more important things—such as the compiler, or communications drivers. Developers I worked with refused to use Microsoft products because they were buggy and crashed their systems. In the ''90's I started having first hand experience developing software with Microsoft products. I soon found I could triple my productivity if I developed the software on Unix platform and back ported the code to PCs. The Microsoft development environment provided no way to integrate a 3rd party editor, no way to track revisions to the code, the debugging was primative and often wrong, and the compiler often didn't work as documented. All of these problems had be dealt with under Unix 5–7 years previously. It was a toy development environment.

Since then, Microsoft has increased its presence in my professional life. I am bombarded with MS-Word and MS-Excel attachments, my customers are required to use MS-Windows to do their jobs. At every turn, I have consistantly found Microsoft software be buggy, bloated, insecure, and difficult to administer.

For the last 10 years of my professional life, Microsoft products have consistantly demonstrated the function of their software is not to help my user's do their jobs, but to premote Microsoft and its commerical partners. Whether it is the Internet Connection Wizard plugging Microsoft's Email accounts, or SmartTags trying to push browsers to Microsoft sites, Microsoft doesn't care for the person or business who bought their products, only their next source of revenue.

Microsoft has been proven to be a monoply. It should be treated like one. Splitting the company into operating systems, applications, and networking, would break the costly, and wasteful cycle of having to upgrade the OS to run Microsoft Office and having to upgrade Microsoft Office to run on the new OS. Most of all, it would certainly Microsoft Office make compete with other Office suites on technical terms. It would certainly force Microsoft to listen to its customers in a way I haven't seen it do since the early 1980s, and it could well let loose a new wave of computer innovation.

Sincerely,
Gaylord Holder

MTC–00017106

From: Jennifer Teig von Hoffman
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To whom it may concern,

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Many small companies have ceased to exist because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of its competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Yours,
Jennifer Teig von Hoffman
50 Dighton Street
Boston, MA 02135

MTC–00017107

From: Jerry W. Walker
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Microsoft has been convicted of breaking antitrust laws. In breaking these laws, they've hurt hundreds of companies and thousands of employees. Worse, they've hurt the general public in pushing substandard software into a market in which nearly any other software choice, no matter how much better that software might be, pits the user against compatibility with the rest of the world.

This substandard software includes Microsoft Outlook which, despite industry knowledge of effective security measures that dates back for more than a decade, still manages to distribute computer viruses whose total damage to the US economy probably outweighs any penalty that could be imposed on Microsoft.

This is not the first time that Microsoft has been tried for such behavior. In the earlier trial, they agreed to a consent decree which they flouted. This second case comes directly from their flouting the orders of the court in the earlier case and continuing the damage to the industry and to the public that they were first charged with.

The proposed settlement does not punish Microsoft for this behavior, but rather supports their arrogant flouting of the law by pushing their substandard products into the education market with government support. Further, by specifying the ''punishment'' as a mandate to put so many millions of dollars of software into the schools, the court allows this criminally arrogant company to set the monetary value of their own punishment as best befits their marketing plans. They can set the value of that software at any price that pleases them.

If I were charged with assault for beating up my neighbors when they parked their cars on my street making it less convenient for me to park there, and the courts decided that to punish me they would make me paint lines anywhere I wanted on the street to mark where I would like to park, I would probably have little incentive to follow the law the next time it was inconvenient for me to do so.

The courts, we hope, provide incentives to follow the law, not vice-versa. Please reject this settlement and demand something that serves as a deterrent to Microsoft and to other corporations that choose to flout the law.

One hopes that in our democracy such companies don't obtain royal concessions for behavior that harms the populace.

Sincerely,
Jerry W. Walker
—Jerry W. Walker
Software Process Manager, c o d e f a b
jwalker@codefab.com
212 462 1004 [116] office
212 462 1043 fax

MTC–00017108

From: Joe Wright
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

I'm writing to oppose the antitrust case against Microsoft. Antitrust contradicts the free enterprise system and is a violation of the rights of business owners, their stockholders and consumers. No one is or ever has been forced to buy Microsoft products. And no one at Microsoft has forcibly stopped anyone from buying non-Microsoft products. There is a free market in software though Microsoft's competitors would like you to believe otherwise.

Consider the fact that, if I'm looking for an operating system I have a choice of Apple, OS/2, Unix and Linux among others. For word processing, I have Wordperfect and others. For web browsing, I can still get Netscape or use AOL's juvenile interface. In fact I use Netscape and like it better than MS-Internet Explorer.

Microsoft is being prosecuted for monopoly. Yet not so long ago, Netscape had

100% of the browser market and the antitrust warriors did nothing about it. If 80% or 90% of a market is considered monopolistic, than why wasn't 100%? But that would be assuming a degree of rationality and logic that is unknown to antitrust.

Of course what Netscape really had is what Microsoft now has: market dominance. As soon as IE came on the market, consumers voted with their dollars and chose it over Netscape to the point that IE became the dominant product and Netscape fell so far by the wayside that it basically went out of business, to be ''saved'' by AOL. Did Microsoft force it out of business? No. The sum total of consumer choices in the free market put it out of business.

Instead of focusing on, filing suits against and lobbying antitrust officials to charge Microsoft with evil acts, the gang of competitors should look at their own failure to penetrate the market. Instead of griping and enlisting the power of the government to punish Microsoft for succeeding, they should look at the reasons for their own failure. And they are failures. They put products, software and services on the market in competition with Microsoft. The market voted with it's dollars and they lost. They are losers, not because of some alleged Microsoft skullduggery, but because of the market rejected them. The market considered Microsoft products superior and theirs inferior. That's the American way. But the cabal composed of loser competitors and money grubbing attorneys general would like to subvert this system and impose force and regulation upon the free market. They want to deny Microsoft's rights to produce a product and present it to the market for sale. The want to deny consumer's rights to buy Microsoft's products on a free market. They want to force products on the market which have already been rejected by the market.

Sun Microsystems, Netscape, Oracle and now AOL want to use the predatory power of government to skew the market in their favor. They want the government to protect them from the free market. They have no interest in being competitive. They're doing all they can to get a competitor, Microsoft, choked to death by antitrust. Strangely, this is not considered a violation of the antitrust laws. It is not even considered bad conduct. In fact these are praised by many, including such institutions as the vaunted New York Times. But that's the nature of antitrust: contradiction and irrationality. When one company does something, it is praiseworthy; when another company does exactly the same thing, it is accused of being a criminal.

In fact, neither the losers nor the attorneys general believe in a free market at all. What they believe in is fascism, a political system in which there is nominal ownership of property, but under which decisions about the use of the property are made by the government. The political system in the USA today is a peculiar admixture of fascism and socialism, not the republic of limited government power that the Founders designed.

A monopoly exists only when a company has the power to prohibit competition. They only way any company can gain that kind of power is through the power of government via regulations, exclusive licensing arrangements, tariffs and taxes. No company can achieve, much less maintain, a monopoly on the free market, without assistance from the government. No company ever has and no company ever will.

Take the case of AT&T prior to de-regulation and divestiture. This was a classic case of monopoly. The arrangement AT&T had with the local, state and federal governments was such that it was illegal to sell competing products and it was illegal to connect them should you somehow obtain them. You couldn't even provide an alternative telephone directory without violating the law. There were many companies capable of providing telephones and telephone service and many who wanted to. But it was illegal for them to do so. Competition with AT&T was prohibited by law.

In no way is Microsoft like pre-deregulated, pre-divested AT&T. In no way is Microsoft a monopolist.

A company may attain market dominance through offering better products and/or lower priced products, by providing better customer service and by being aggressively competitive. But that's not monopolization. Any other company is free to produce a better product, provide better service, charge lower prices and be even more aggressively competitive and itself become the dominant company. That's the way the free enterprise system works.

Antitrust is a notorious contradiction of the principles of free enterprise involving violations of property rights on a massive scale. The history of antitrust is one of incredible irrationality and injustice. Rather than continue this immoral course of action, it should be stopped dead. Antitrust laws should be repealed.

For all the reasons cited above, I oppose the imposition of any penalties on Microsoft. They have done nothing wrong, they have violated no one's rights, they have broken no legitimate law. The case should be thrown out of court.

Sincerely,
Joe Wright
81 Irving Place—Apt. 6G
New York, NY 10003
Tel: 212–244–5488 x134

MTC–00017109

From: Miles, Dave
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating systems, Internet browsers, desktop applications, application development languages, and (soon) networking markets, nor limit its ability to unfairly dominate new markets such as game consoles, personal video recorders, and Internet service providers.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. The provisions weakly attempt to prohibit the future repetition of those abuses. The provisions do not even attempt to address serious issues such as application file formats which Microsoft changes only to limit competition. This, in my opinion, goes against the very foundation of justice. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses, and not for the American people.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Yours Very Truly,
David Miles
KPMG LLP
Risk and Advisory Services
Office: 602.452.4266
Cell: 602.820.4109
dwmiles@kpmg.com

MTC–00017110

From: Matthew S. Woodworth
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00017111

From: Wouter Van Hemel
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Dear Sir, Madam,

I would hereby like to express my doubts about the effectiveness of the proposed settlement in the Microsoft case. I am sincerly concerned about Microsoft's position in the software market, and I don't believe the proposition lives up to the harm done in the past, nor does it provide enough of a remedy for the future. Mellow as it is, half a punishment will reduce itself to no punishment at all with a company that has the financial power Microsoft has; words will be bent, restrictions circumvented, new tricks will be learned, and legal statements adapted, reducing what's already too small a price to pay, to basically nothing. Strong, adequate measures should be taken against Microsoft—being fully accountable for their actions—so as to ensure that at least something's left after Washington lobby'ing and stretching legal phrases beyond recognition. It should not be let off easily, clearly still not having understood the message.

Thanks for listening.
Wouter Van Hemel

MTC–00017112

From: George Talbot
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To whom it may concern:

My name is George Talbot, a software designer from Philadelphia. I work for Lucent, Inc. My opinions stated here is not intended to reflect the opinions of my employer.

I'm rather discouraged at the Microsoft settlement. The current settlement, as proposed does nothing about Microsoft using its combined dominance in operating systems and office products to restrict the spread of new and possibly competitive software technolgies by coercing vendors into Microsoft-only solutions via restrictions and pricing of said operating system and office products.

Thank you for your time.

George T. Talbot

MTC–00017113

From: krisb@ender.ring.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Dear Sirs

I am opposed to the proposed settlement of the Microsoft anti-trust case. In my opinion, Microsoft used its monopoly power over the years to suppress technology that would have provided great benefit to consumers across the United States. One example of this is the ''NSP'' initiative that Intel proposed, but was forced to discard because of monopoly pressure tactics from Microsoft.

The proposed settlement is carefully worded by Microsoft's own lawyers to provide loopholes so that Microsoft can continue these tactics for any activity Microsoft considers important in the future. This will not foster innovation or improved technology for the user, but only tighten Microsoft's grip on access to important new technology by ordinary consumers.

Please revisit this case and form a settlement that will limit Microsoft's ability to prevent new technology and ideas from reaching consumers that do not know what they have been denied.

Thank you.

Kris Bosland
503–324–0573
12711 NW Maplecrest
Way Banks, Oregon 97106

MTC–00017114

From: Matt DAHLMAN
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft settlement

As a US citizen, I feel strongly that the proposed Microsoft settlement will not be beneficial to the citizens of the US. I urge the Department of Justice to continue its prosecution of the case and to continue pursuing the originally recommended resolution of breaking Microsoft into 2 separate companies.

Thank you.

Sincerely,
Matt Dahlman
mdahlman@netonomy.com

MTC–00017115

From: Gordon Tetlow
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I'm very disappointed in the PFJ that has been put forth by the DOJ to punish Microsoft for it's actions. It is no more than a slap on the wrist. In fact, I'd go so far as to say that it helps to continue and extend the monopoly power that Microsoft has over home/office computing sector. There is one simple thing in the PFJ that I believe helps Microsoft's monopoly. The PFJ allows Microsoft to raise artificial barriers to those that are interested in creating a Windows-compatible operating system. While the PFJ does mandate that MS must publish its APIs ''for the sole purpose of interoperating with a Windows Operating System Product''. This clause specifically disallows companies/individuals to use the information that Microsoft is compelled to disclose to create an alternative operating system which would still be able to run applications created for Windows, thus helping competition and giving consumers an alternative to a Microsoft operating system.

There are other points that I have contention with, but I do not have time to read the entire PFJ and critique them all. I sincerely hope that the DOJ does the right thing when it comes to the final judgement and gives the public a choice when it comes to home/office operating systems.

Sincerely,
Gordon Tetlow
UNIX System Administrator

The opinions that I express here are my own and don't reflect in any way the opinions of my employer.

MTC–00017116

From: John Hawks
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Microsoft Antitrust Comments
c/o Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001

Dear Sir or Madam:

I am writing as a public comment to the proposed settlement in the case of U.S. v. Microsoft. As a background, I am employed by the University of Utah and currently work as a research scientist in paleoanthropology. I would like to comment on the settlement in terms of its effect on me as a consumer and as a researcher working with public funds. In brief, the proposed agreement does not address several distinct areas in which the illegal extension of Microsoft's operating systems monopoly harms the public interest.

One of the largest research expenditures both by universities and by individual researchers using NSF or NIH monies is computer-related technology. Currently, much of the public money spent by researchers is wasted on Microsoft products that are never used. Here in my laboratory, there are five copies of Microsoft Windows software that are sitting unopened and unused. These are software that ''came with'' the computers that we use in the lab, but that we do not use and have never used. However, Microsoft has agreements with many systems vendors to package a copy of Microsoft Windows with every computer sold, regardless of whether the customer wants it or not. Even if the customer requests that Microsoft Windows not be included with the computer, the manufacturer is still required by agreement to pay Microsoft for a copy of the software for that computer. Manufacturers do not provide discounts for systems that lack Windows. Other Microsoft software, such as Microsoft Office, is also often included by manufacturers under agreement to Microsoft, again whether the customer wants it or not.

For my own use, and in cases in the laboratory where I have the choice, I build my own computers from components, thus avoiding the unnecessary expenditure on unused Microsoft products. However, most universities, including mine and the University of Michigan where I formerly worked, have purchasing agreements with computer manufacturers, providing discounts for volume purchases, where individual computers may be requested by many different departments during the year. Small manufacturers exist who do not require the unnecessary purchase of Microsoft products, but the large manufacturers able to supply the needs of a research university are also the ones most likely to have exclusive agreements with Microsoft. Thus, universities using public money and individual researchers inside those universities are predominantly forced to purchase Microsoft products, whether they are wanted or not. The retail cost of the Microsoft Windows software, purchased with public money but unused in my laboratory, is over five hundred dollars. This is a cost imposed on the public and consumers by Microsoft's illegal extension of its monopoly.

The proposed settlement does not restrict Microsoft from pursuing exclusive agreements with systems vendors, and it does not allow any recourse for consumers or institutions who would like to purchase a computer from a large systems manufacturer without Microsoft software. There are many reasons to choose such a manufacturer instead of a smaller shop, including availability of support, rapid replacement of defective units, and volume discounts. However, consumer choice in this matter is limited by the illegal licensing used by Microsoft. I would propose that the agreement be extended to forbid these contracts, so that any consumer may choose to purchase a system without Microsoft software.

Instead of Microsoft products in my laboratory and home, I use Linux, free operating system alternative. Again, there are reasons why a consumer would choose to use a Microsoft product instead of Linux despite its zero price, including ease of use and availability of software titles. I would not expect Microsoft to provide applications software on other platforms to erode its monopoly, as some might propose. However, one aspect of Microsoft's operating systems strategy stands out as harmful to consumers, and an illegal extension to its monopoly power. This aspect is the creation and spread of proprietary standards and file formats.

Users who create content with Microsoft products often use the software to create digital copies of the content with Microsoft's proprietary formats. For example, users of

Microsoft Word save documents in ''.doc'' format. The encoding scheme used by such formats is secret and undocumented by Microsoft. Users who wish to use other software packages will be unable to read the complete content of documents created with Microsoft software in this way. Nevertheless, the monopoly of Microsoft has allowed it to make its proprietary file formats into de facto standards, so that many companies and universities use ''.doc'' format for internal correspondence, for example. This extension of monopoly power to file formats has inhibited the adoption of non-Microsoft operating systems like Linux, because no Microsoft applications product exists on that operating system to perfectly read Microsoft file formats. It has been reported that abuse of file formats may be more widespread, with applications like the web-document producing FrontPage producing content for public use that can only be interpreted by Microsoft Internet Explorer, for example, and not by alternative products like Netscape Navigator. Microsoft changes these proprietary formats with almost every new release, so that users are forced to upgrade their software in order to continue to interchange documents with other users. All of this inhibits the use of non-Microsoft operating systems and applications. Further, Microsoft has attempted to extend proprietary standards to public operational systems, such as networking protocols and interoperability software including Java. Indeed, after Sun corporation brought suit against Microsoft for illegally creating its own proprietary version of Java, Microsoft changed its interoperability strategy to a new proprietary standard that it controls. If left to extend its monopoly in this way, Microsoft will limit the ability of alternative operating systems like Linux to interact with public applications, including internet banking and secure transactions of all kinds. The public standards now used as the basis of the Internet were developed largely with public money and are free for anyone to use. If Microsoft is allowed to extend its operating systems monopoly to public Internet standards, it will limit the ability of other operating systems to use public networks.

What is worse, it will also put the security of all public computers at unnecessary risk. Public standards are free for anyone to inspect, so that security problems may be circumenvented and no secret features are available to be exploited by criminals. In contrast, Microsoft's proprietary standards are secret, so that people of malicious intent can exploit secret holes to invade computer systems, causing millions of dollars in damages. No operating system platform is immune to security violations. However, in my laboratory, having five computers with continuous Internet connections, it would be a serious security risk to use Microsoft software instead of Linux. Even if the content of my computers was left unharmed by those who would break into them, they could install malicious software without my knowledge that could be used to attack computer systems elsewhere. We saw this happen many times to companies and universities using Microsoft products last year. Further, my computers cannot be affected by e-mail and macro viruses that attack users of Microsoft Outlook and Microsoft Word through attachments with the ''.doc'' format. In short, the extension of proprietary formats creates an unnecessary security risk, which I cannot afford in my laboratory, and the U.S. cannot afford in the current war.

Finally, it is possible to alter operating systems like Linux to run Microsoft applications, or other applications written for the Microsoft Windows operating system, without needing the Windows software to be purchased or installed. This alternative provides a good compromise for many people, who wish to use products available only for the Windows platform, but do not wish to risk the security holes or other problems with Windows itself. However, this kind of interoperability is inhibited by the proprietary secret format that Microsoft uses to allow applications to interact with its operating system. It is necessary for applications to use undocumented features of the operating system to be useful, but no non-Microsoft implementation of these undocumented features is possible without breaking Microsoft confidentiality agreements.

I would propose that the settlement be extended to force Microsoft to publicly release the standards used to create its file formats, networking protocols, applications frameworks, and operating system toolkits. If the details of these proprietary standards were publicly available, it would be possible for programmers outside of Microsoft to provide secure implementations of public interfaces such as networking protocols. It would also be possible to write programs that could read content created by Microsoft software, and to extend other operating systems to run software configured for Windows. The proposed settlement allows for people external to Microsoft to inspect some of these proprietary standards, but it does not make the standards public. The difference is that a public standard can be implemented without fear of violating a Microsoft copyright and can be inspected by anyone who uses or wants to use Microsoft products, while a standard merely open to inspection may make any public implementation vulnerable to a lawsuit. As it stands, the agreement may allow it to continue to be impossible for a person saving his or her crucial documents with Microsoft's ''.doc'' format to even know how those documents are encoded, or to be able to recover those documents if the user should later choose to use non-Microsoft products instead.

Without minimally these alterations, the settlement does not address the problems I find in lay work with Microsoft's operating systems monopoly. This makes the proposed settlement a failure in addressing the harm that Microsoft has done to consumers by the illegal extension of its monopoly. I hope that the settlement will be altered to address these concerns.

John Hawks
Department of Anthropology
University of Utah
http://www.prehistory.net/hawks.html

MTC–00017117

From: Zachary Schneirov
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Concerning the Settlement with Microsoft

To whom it may concern:

I believe that the U.S. government must not and cannot allow the Microsoft monopoly to continue its current business practices without some major punitive action. Microsoft sees any standard over which they do not hold total control as a clear and present threat to their Windows monopoly. Throughout the years they have repeatedly, systematically, and unabashedly set out to undermine and ultimately destroy all computing technologies that had the chance to interfere with Microsoft's stranglehold on desktop computing. Often the company accomplishes this through a policy of ''embracing'' a standard (in which they integrate it into one of their products) and subsequently ''extending'' the standard, at which point making the standard incompatible with competing products. End-users are consequently forced to use Microsoft's solution, as Microsoft has bundled software that makes use of this standard into their Windows operating system.

We have seen this occur with the proprietary Microsoft Word document format, numerous internet protocol applications including the Netscape and Internet Explorer web browsers, and we are now seeing it with digital video playback solutions—QuickTime and Windows Media Player. When Microsoft began bundling new versions of Windows Media Player that made use of new, proprietary, and patented media formats, web sites had no choice but to begin offering most of their video content in Windows Media Player format. It has become increasingly difficult to do any type of desktop computing without running into Microsoft-controlled formats and software.

If Microsoft continues with this trend (and there is no reason that they will not) it will soon become literally impossible to use any emerging technology that is not available on Windows; Microsoft will have finally taken over the entire field of computing.

This must not be allowed to happen. A strong, crippling punishment is the only solution.

Regards,
Zachary Schneirov

MTC–00017118

From: Devon Jones
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am a programmer, and computer specalist. And I heartily feel that the courts accepting the Microsoft settlement is a travesty of justice. The proposed settlement does little to mitigate the damage that the Microsoft OS monopoly does to many sectors of the computer economy. Even more damaging is the effect on the Open Source/Free Software community and businesses.

Probably the single most damaging aspect of the remedy is that it does not force

Microsoft to disclose publically the workings of it's file formats. The cornerstone of the MS monopoly is it's applications.

Those applications create a giagantic barrier to entry, and allow Microsoft to decide which Operating Systems will be taken seriously in the office. No other operating system will be able to compete on an even footing unless the file formats are made public. This will facilitate competing packages such as StarOffice, Lotus Smartsuite, and Corel Office being able to actually enter the market place, and still be able to read documents from the incredibly large installed base of Microsoft Office. Only when this has happened will competing desktop operating systems be able to even have a chance in the market.

The second most damaging issue about the settlement is that it almost seems designed to legalize the status quo of microsoft's monopoly control of the industry. Steps need to be taken in a final settlement to not only open the application business to competetion (so that situations such as that surrounding Netscape do not happen again), but to also open the marketplace to other operating systems.

Please do not allow this settlement to go through that not only keeps many of the barriers to entry that MS has created, but also errects some new berriers to entry.

thank you,
Devon Jones
Integware Inc.

MTC–00017119

From: John Craig
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

As a US Citizen, taxpayer, and technology consumer, I want to express my opposition to the proposed settlement of the Microsoft Antitrust case. The main reason for my opposition is that the proposed remedies do nothing to deprive Microsoft of the ill-gotten gain which they obtained by breaking the law. There is nothing to discourage Microsoft from breaking the law again to suit their needs. They can certainly extract large enough illicit profits to pay for the legal fees associated with a new trial. They did it before, with DOS, and they will do it again (perhaps this time with .NET). For Microsoft, violating antitrust law is a very lucrative practice. Where is the concern for law and order? The Department of Justice must insist that Microsoft forfeit ill-gotten gains which resulted from antitrust violations.

Sincerely,
John Craig Gainesville, Florida

MTC–00017120

From: Scott McCormick
To: Microsoft ATR
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

Dear Judge Hesse,

I strongly oppose the proposed settlement of the Microsoft anti trust case. Some of the proposed remedies are in fact so favorable to Microsoft that they are akin to throwing Br'er Rabbit into the briar patch. I agree with the analysis of Dan Kegel which can be found at http://www.kegel.com/remedy/letter.html

Yours truly,
Dr. Scott McCormick
President
ESM Software
Dr. Scott McCormick
drscott@esm-software.com
ESM Softwarehttp://www.esm-software.com/
2234 Wade Court(513) 738–4773
Hamilton, OH 45013(216) 274–9026 (fax)

MTC–00017121

From: Castro, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I am not happy with the Microsoft settlement as proposed. There seem to be a number of problems with it.

One problem that bothers me is that the settlement does not do enough to limit the way Microsoft exercises monopoly power over OEMs and ISVs. Microsoft retaliates against vendors who ship hardware with competing OSs and software; they do not allow vendors to ship their software along with competing (eg. open source) software. In particular the settlement allows microsoft to retaliate against small, local vendors. As a result, vendors who ship microsoft software and Windows-compatible hardware (ie. most vendors) shy away from competing software; microsoft's competition and the market are hurt by this.

In general I feel that the settlement preserves the status quo in terms of MS's anticompetitive behavior. The goal is to have a competitive software market, in which the user has a choice of products. This goal is not served by the current settlement, which allows microsoft to continue its behavior to the customer's detriment.

MTC–00017122

From: Nigel Olding
To: Microsoft ATR
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. There are too many loopholes for Microsoft to continue its'' predatory business practices.

Nigel Olding
Consultant
Folsom, CA.

MTC–00017123

From: Nick Zajerko-McKee
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

I do not believe the current settlement offer is correct—it gives MS no real penalty.

MTC–00017124

From: Walsh, Steve (SIS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

MTC–00017125

From: Charles Wiltgen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:46pm
Subject: Microsoft settlement

The proposed Microsoft settlement is a bad idea.

I fully support Dan Kegel's open letter to the DOJ.

http://www.kegel.com/remedy/letter.html
Charles Wiltgen
Product Manager
PacketVideo

MTC–00017126

From: Justin Miller
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

As a computer professional involved with the industry for the last 15 years, I can only express my dismay at the proposed Microsoft anti-trust settlement. I have watched for the last 15 years as Microsoft has relentlessly used its monopoly power to squash all possible competition, through such means as purposefully introducing incompatibilities with competing products, inadequately documenting API's, not providing enough advanced notice to outside developers of changes in the API's such that they could modify their products to work properly on new OS versions, product dumping, and forcing illegal, anti-competitive distribution agreements on distributors, among many other tactics.

The remedy proposed by the Justice Department will not stop any of these practices. Through overly narrow, ridiculous definitions of terms like ''API''; the allowance of Enterprise licensing agreements similar to OEM licenses banned by the 1994 consent decree; the failure of the agreement to prohibit purposefully introduced

incompatibilities; the failure of the agreement to require timely dissemination (i.e., months prior to release of betas) of technical documentation such that it can be ensured competing products work on new OS versions; the failure of the agreement to make allowances for open source and third-party Windows-compatible operating systems (which, under current Microsoft End-User license agreements, may not be used in conjunction with Windows systems or run Microsoft software in any way); inadequate protections against anti-competitive distribution agreements with OEM's and distributors; and, finally, the lack of any effective enforcement mechanisms, the proposed agreement will be yet another feather in Microsoft's hat. By no means is the remedy one that will ''unfetter a market from anticompetitive conduct'' or ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

As a concerned citizen I would ask that the proposed remedy be reconsidered and a more stringent and effective remedy be designed. One might ask, ''Has Microsoft's monopoly hurt the public interest?'' The unequivocal answer I must give is ''Yes!'' Many superior, better-designed, more reliable products have been released and fallen by the wayside over the years, as Microsoft has shut their makers out of the market. The next time Word crashes and you lose your document, the next time the computer eats your spreadsheet, please keep in mind that Linux and Sun's Solaris operating systems have built their reputations by going multiple YEARS between crashes, and that many people run text editors like GNU Emacs continuously for months at a time without a crash, and have never had a lost document. The reliability issues most Windows users experience has nothing to do with inherent complexity, and everything to do with shoddy software engineering. Competition in a fair marketplace is the key to improving quality, regardless of who in the end makes the software.

Sincerely,
Justin Miller
Senior Software Architect
Oculus Technologies Corp.
Boston, Massachusetts

MTC–00017127

From: Eric Wallin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I am in support of the proposed Microsoft settlement. I work in the technology industry, and deal with Microsoft and its competitors, and see no distinction between the business practices of either group. This is America, and capitalism will prevail.

Eric Wallin—Technology Architect
Rare Medium Atlanta
email: eric.wallin@raremedium.net
phone: 770.576.4328

MTC–00017128

From: Gary
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I am writing this email to indicate that I am opposed to the proposed settlement in relation to the Microsoft antitrust case.

MTC–00017129

From: David Whedon
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

Microsoft maintains its monopoly power by keeping file formats proprietary and thus preventing interoperability. The PFJ should do more to enable interoperability through open file formats.

–David Kimdon
Berkeley, CA

MTC–00017130

From: John Vann
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

I, John Vann, object to the settlement. It is not well defined enough to assure Microsoft's compliance with anti-trust laws.

MTC–00017131

From: Adam Rakunas
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

I think the settlement the Department of Justice has made with Microsoft, Inc., is a bad idea. In its current form, it will not open up the market to true competition. Thank you.

Sincerely,
Adam Rakunas
1044 14th Street
Santa Monica, CA
90403
310.394.7404

MTC–00017132

From: Eric Laffoon
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Preserve our future by restraining a bully

Hello,

I've read that you are still receiving comments by law in this case. As someone who has suffered long with Microsoft I would like to say something. While the outcome of the case is decided it is meaningless without applying penalty and restriction. Perhaps there may be some restraint looking fully into their history? during the trial there were many people paraded through telling of the ''trail of broken bodies'' left by Microsoft tactics. The fact that they have been in antitrust litigation three times in the last decade (if memory serves) is telling. What it says is ''all previous attempts to restrain illegal monopolistic behavior have failed''.

Here is one brief illustration from the early 90s of what to expect. I was working on a business proposal on a friends DOS based computer and saved it to a file. I went to import it to a Microsoft word document at Kinkos. It tried to save the document to the floppy as the imported file. However the Word document was so bloated (big surprise) that it would not fit and it produced an error dialog saying it could not be saved with a button saying ''OK''. But it was not okay! It was an endless loop and did not even offer me to abort. This is just plain terrible programming.

During this time Lotus Ami Pro was a PC Magazine editor's choice three years running. They achieved, if memory serves, less than 5% market share. certainly less than 10%. Finally Microsoft produced a version that beat them and Ami Pro drifted into history. Why did people choose word? Because while Ami Pro could read and write Word documents Word could not write Ami Pro. Because people are inherently too lazy to be expected to remember to select a document type when they save a file Ami Pro was considered ''incompatible'' when in fact it was the other way around. During this time the other prevailing attitude was that as flakey as software was you were safer with Microsoft since at least they knew the internals of Windows.

Two years later I read that the KNOWN bug that had ruined my day had been fixed in a maintenance release of the next version of Word. I encountered the problem on 1.0. I believe the release was 2.04g. Why did it take so long? Wasn't the focus on quality software? No! It was on a fractured feature set that would sufficiently impress journalists that did not actually use the programs for work... This would be read by managers who did not actually understand the programs who would then sign purchase orders. Of course none of this mattered that much since the bundled Office with everything back then. Currently I use Linux. I do so for several reasons. One is that during the 90s I computed the cost of down time from Windows and realized i could have bought a new computer every few months with the money I was losing. I also found that Microsoft software was far less efficient and more expensive than other solutions. Among those I found that free software was actually what the internet was based upon and it allowed me to have far more software than I could ever afford. I now receive documents in proprietary Microsoft formats. It is assumed everyone has them. I have to use other programs that can read them... painfully aware that mild encryption or some absurd patent (like Amazon's ''One Click'') could litigate away even free and open solutions. Document formats of information exchange should be free and open formats like HTML or structured XML. They should fall under standards committees so that more than one player could be there. At the very least they should be published if they are proprietary... especially if they are from a company found guilty of abusing monopoly status.

The future of our world hangs in the balance. Not since Gutenberg introduced movable type has there been such an opportunity to make such cultural and information based leaps in society. The internet offers so much to so many... but a company with total control of information formats and with the low morals and ruthlessness demonstrated by Microsoft puts that at risk. If their monopoly is codified by a limp settlement what will happen? The PC market is pretty flat and rather expensive to

pursue... but the internet, if key parts could be subverted, could be a cash resource for them like no other. If you do not serve to protect the interest of the American people (and in this case really the whole world) where shall we turn? I implore you to stop the bully.

Force them to open their file formats!

Restrict their advances into other monopolies!

Put some teeth in any review board formed!

Take action to limit their demonstrated behaviors!

Think about forcing them to make restitution to consumers. Actions must have consequences and we look to you to protect our interests.

Thank you for your attention.

Eric Laffoon

Virtual Artisans

Web development for E-Business

http://virtualartisans.com

MTC–00017133

From: Brooke Callahan
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

It is clear that Microsoft has engaged in anti-competitive practices.

The only issue is what to do about it.

1. If we are to correct Microsoft's practices we MUST open the market to the competition. Microsoft should not be allowed to require a license to sell their products. This allows them to take that license away from companies that choose to sell competing products, potentialy crippiling these vendors.

2. Once a vendor has paid Microsoft for the OEM software to be installed on a computer it should be up to the vendor to add or subtract software from the default installation however they deem fit. This supposes that any changes to the default microsoft installation are made known to the customer that they might reverse them if they choose. Also, it allows the vendor to give their customers the best service possible—making sure everything works as it should and placing these applications where the customer might easily find them.

3. To compensate for its crimes Microsoft should be submitted a full IRS audit for which it would be stripped of it's deductions during it's time of poor business practices. If Microsoft is allowed to use it's software to compensate for it's actions the Courts should set the price of the software.

Example: Windows XP. Microsoft would say that donating this to a school is worth well over $200. But this high price is only accepted because of the very business practices we are trying to reverse! R&D costs should not be considered either, only the cost of printing the disk.

thankyou,

Brooke Callahan

MTC–00017134

From: Nathan Roach
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement is flawed

This message was transferred with a trial version of CommuniGate(tm) Pro

I am concerned that the proposed settlement does not sufficiently protect innovation from non-profit software developers. Robert Cringley's comment on the PBS website sums up my concern accurately: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux— a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.''

Please take action to ensure that the final settlement is stronger and more effective than the current proposal.

Nathan Roach

San Antonio, Texas

MTC–00017135

From: Doug Simpkinson
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

I will try to keep this brief.

I feel that the proposed settlement with Microsoft does not go far enough in curtailing the anti-competitive behavior of Microsoft's monopoly. Here are a few quick points, but in general the settlement must go farther.

Microsoft's file formats for Office documents should be disclosed, but this is not required under the proposed settlement.

Microsoft would still be allowed to discount Windows based on sales of other products, allowing them to extend their Windows monopoly into other product areas (e.g. PocketPC)

Microsoft's licensing mechanism should be restricted—currently Microsoft uses licensing agreements to prohibit their software from being used on competing operating systems. Any software they sell should be usable on any compatible operating system.

I truly hope that others who have more time are able to fill in the details a bit better, but if you need to contact me please feel free.

Regards,

Doug Simpkinson

Software Engineer

Sunnyvale, CA 94087

MTC–00017136

From: Brian Burrington
To: ''microsoft.atr(a)usdoj.gov(060)microsoft.atr(a)usd...
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

Hello,

I wish to have you note my displeasure at the Microsoft vs. Department of Justice Settlement Agreement.

As an I.T. professional for the past 8 or so years, I feel understand all issues surrounding this lawsuit and it's proposed settlement better than the average citizen.

In my humble opinion the settlement is flawed because:

1) it does not properly implement it's own proposed measures of forcing Microsoft to share in a fair and even manner APIs to competing vendors for it's middleware

2) the phrase ''license on reasonable terms'' in relation to Microsoft's required licensing of it's network APIs is particularly vague

3) various and sundry other detailed reasons that I'm certain you will recieve in other like-minded communications

SUMMARY: I feel (as do many of my fellow I.T. friends and coworkers) that Microsoft products are indeed needed for the continued economic success of the United States. However, none of us feel that strict and specific restrictions on their corporate business practices, a strong requirement of Microsoft to share their network and application APIs, and ZERO loopholes (such as the ''security and copy protections'' one) are necessary for the further growth and success of the I.T. industry.

Microsoft's unconscionable behavior is inexcuseable and has hurt this industry severely; this state of affairs cannot be alowed to continue. In my humble opinion, this settlement agreement is only window dressing and will not solve any problems in the long term.

Sincerly,

Brian Burrington

MTC–00017137

From: Driz N
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

This is my comment with regard to the Microsoft Settlement, in accordance with the Tunney Act. I believe the current proposed settlement is a good solution. M.E.

MTC–00017138

From: Greg Johnson
To: Microsoft ATR
Date: 1/23/02 4:45am
Subject: Microsoft Settlement

Dear Sir, This letter is to let you know of my opposition to the Microsoft Settlement of the anti-trust trial. I feel that the currently proposed settlement will do nothing to protect the consumer from the misuse and abuse of Microsoft's monopoly power.

Nothing in the provisions have any ''teeth'' to prevent Microsoft from continuing to use its established monopoly in the Operating System market to leverage and obtain a monopoly in other markets. The technical comitee, while having investigative powers, does not have any enforcement powers except through a Judge—where Microsoft has proven itself willing and able to delay and appeal any final judgement for as long as possible until the product is already released to the public, competitors are bankrupt, and the damage is done. Unless the technical commitee has the power to enforce the provisions (without appeal or until an appeal overrides them)—including the ability to prevent the release of a Microsoft product I am afraid that they are only a paper tiger.

There are also several other problems with the proposal relating to the Windows API, knowledge of which is —required— in order for a competitor to produce a product which competes with a Microsoft product (such as Internet Explorer and Office). While it requires that the APIs be publicized it allows Microsoft to either change the APIs just before shipping the product or to place such restrictions on the use of the publicised APIs that a competitor cannot use it without serious cost (for example having 2 seperate development teams) which would need to be reflected in the final price of their product.

Microsoft's behavior since the anti-trust trial has not changed. And I totally reject the idea that the anti-trust trial is ''hurting'' the economy. Or ''caused the dot-com crash'' (as stated by a representive from my own state—Washington). Microsoft itself is hurting the economy by preventing innovation and the creation of new ideas and products due to its secret APIs (which the provisions do not fully address), changing file formats which also the provisions fail to address, OEM License ''requirements'' (I do not call the agreements), the EULA, and fear that ''Microsoft will just steal the idea and then change their APIs so that my product will no longer work...'.

What I think should happen?

1) Require Microsoft to public *all* APIs and file formats in a product 6—9 months before its release —and— delay the release until that time has passed after the APIs have been changed.

2) Prevent Microsoft from requiring ''per-seat'' licensing from enterprises (Corporations, Businesses, etc.....).

3) Treat Microsoft as a ''essential utility'' much like the telephone company was and regulate it—or at least the portion of Microsoft which is a Monopoly (Windows and possible Office).

4) Give the technical comittee the power to punish microsoft (by preventing the release of a product or by requiring documentation be publicised openly, or by changing the language of any license agreements).

Hmm... In conclusion I feel that the conduct of Microsoft during the Anti-Trust trial (introducing bogus and fraudulant videos, lying, etc...) treated the court, and the US Justice system with contempt.

I do not feel that the DOJ should come to an agreement just for agreement sake.

That is all I have to say.

Thank you for this opprotunity to

I would urge the DOJ to review the Findings of Fact before signing off on this agreement and check of which if the findings the provisions fully address.

Greg Johnson

johnsong@gregjohnson.org

MTC–00017139

From: Sean Hafeez
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I am very unhappy about the MS settlement. It does not go far enough to prevent MS from doing what it has done in the past. As a developer of applications for BeOS (which is no more), MS business practices hurt me directly. MS required that Windows be the only bootable OS on a PC. So companies that agreed to place the BeOS on their system were forced to hide that choice and make the end user jump thru hoops in order to be able to boot the BeOS. I feel that this help cause the down fall of Be, Inc. and hurt me financially. As an independent developer MS has hurt my ability to earn a living.

Thanks,

Sean Hafeez

MTC–00017140

From: Phil Greer
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This settlement is a bad idea.

It is no better than the consent decree of 1995, and we all know how well that worked to curb Microsoft's anti competitive practices.

A monopoly needs to be punished more.

Phil Greer

MTC–00017141

From: S. Harrison
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I want to voice my dissatisfaction with the proposed Microsoft settlement. I feel that Microsoft will not be subject to enough restrictions on its monopoly, and the text of the settlement does not account for many of the technical details which Microsoft will leverage in order to, essentially, continue its rampant assimilation of competing technologies into its operating system, as well as grow its business unfairly into too many markets (internet news, access, home entertainment, etc).

Sam Harrison

Seattle WA

Independent Software Author

www.treyharrison.com

MTC–00017142

From: Francis A Bleecker
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I really do not understand why microsoft (msft) has gotten away with what it has done and then to subvert the government via bribes and to make everything ok. I have always had a problem with the way microsoft has done business all the way back to cdrom standards in the late 1980's. They spent 4 years trying to subvert the hardware/software side of that fine media. Of course I also witnessed the compiler wars during that time with borland and the likes (borland who?).

This is simply a email to voice my complaint about the company.

CC:naheed@neomatic.com@inetgw

MTC–00017143

From: David Friedman
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

I am concerned about certain deficiencies in the Proposed Final Judgment in the Microsoft case.

Specifically, it appears to me that the PFJ may not offer sufficient protection to development of middleware to allow Microsoft applications to interoperate with non-Microsoft operating systems, particularly Linux.

The substance of my concern is spelled out in a document available on the Web at the following URL:

http://www.kegel.com/remedy/remedy2.html#abe

The text below is a verbatim reproduction of the pertinent paragraph:

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

David H. Friedman

dhfx@realtime.net

MTC–00017144

From: Rob Riggs

To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgement (PFJ) by the Justice Department in the Microsoft case. It does not come close to addressing the harm caused to the marketplace by this monopoly. The most glaring problem with the settlement is that it only applies to Microsoft's Windows operating system, and then goes on to so narrowly define ''Windows'' as to exempt the majority of Microsoft's operating systems based on Windows APIs. There is absolutely no need to define it narrowly at all. All of Microsoft's potential operating systems should be covered under any settlement with the DOJ.

Robert Riggs
Erie, Colorado

MTC–00017145

From: John Hall
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To whom it may concern;

I am utterly and completely opposed to the proposed settlement in the Microsoft Anti-Trust Issue. My opposition is based upon such a large number of loop holes and non binding statements that I simply do not have the time to list them all at this juncture. If for any reason you do wish to hear a list of my problems with the settlement feel free to ask and I will respond when I have time to quote almost every sentence in the ''non-settlement'' to you.

Thank you for your time.

John Hall
Programmer
University of Alaska
910 Yukon Drive
Fairbanks, AK 99775
(907) 474–6264
mailto:john.hall@alaska.edu

MTC–00017146

From: ssullivan@sirbasolutions.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Seamus Sullivan

MTC–00017147

From: Bryce Schober
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

Please consider my comments with regard to the Proposal of Final Judgement for the Tunney Act proceedings in this case. In summary, I declare that the PFJ is insufficient, both to ensure Microsoft's compliance with Antitrust laws, and to remedy the effects of their breaking of said laws. This insufficiency is caused my many factors, and my viewpoint is very accurately reflected by Dan Kegel's essay, opinions, and open letter at http://www.kegel.com/remedy/letter.html. I urge you to seriously consider his viewpoint, which I, an informed US citizen, share.

Sincerely,
Bryce Schober

MTC–00017148

From: Steve Speck
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am a citizen of the United States of America and the state of Florida. I have read the proposed settlement and do not believe it will do anything to prevent Microsoft from continuing to use it's monopoly power in operating systems to extent monopoly into other areas.

Below are few of the many problems I find with the settlement. I am a programmer by profession and the definition of API is much too narrow, allowing many critical API's to remain proprietary. Microsoft has in the past and continues to manipulate such APIs to cause incompatibilities between Windows and non-Microsoft application programs when Microsoft decides to take over a particular application category. The agreement defines ''Windows'' too narrowly, the definition should include all operating systems based on the Windows API, such as Windows CE and the X-Box operating system.

Microsoft will still be able to craft license agreements that prevent Windows software from running on other operating systems. Microsoft will continue it's practice of requiring enterpirse customers to pay a license fee for each computer capable of running Windows, whether or not it actually does so. Such contracts with OEMs were prohibited as unfair in the 1994 settlement between Microsoft and the United States of America, and they are still unfair no matter who the customer.

Stephen Speck

MTC–00017149

From: mturyn@world.std.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Hello; I should like to express my objection to the current Microsoft settlement. Microsoft has a history of skirting the very edge of legality whenever it is to their advantage; as such, any settlement which does not unambiguously restrain their ability to illegally use their monopoly is worse than useless, as it gives the impression of restraint without actually doing so.

In particular, as long as Microsoft has access to sections of the Windows APIs that are not available to the general developer, it will be able to develop applications the latter will not be able to match.

Here, characteristically, there is the appearance of competition without its real dangers to Microsoft. Thank-you for your time, and consideration of our comments, as well as the cognizance that Microsoft are bankrolling an high-pressure ''astroturf'' (as in ''fake grass-roots'') campaign to see the settlement stay as written.

—Michael Turyn.

MTC–00017150

From: Jeff Melby
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I would like to express my disappointment at the Justice Department's apparent attempt to favor business interests over the good of the people. The proposed Microsoft Settlement does very little to protect consumers and should be rejected. It is clear that the change in leadership at the Justice Department brought special business interests to the forefront at the sake of consumer protection.

Jeff Melby

MTC–00017151

From: Joe Cotellese
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To whom it may concerned:

I am writing this e-mail to express my disgust at the proposed Microsoft settlement.

Specifically with regard to documenting APIs and file formats. As a software developer I have spent many hours trying to determine how Microsoft APIs function. In many cases, functionality that is built into the operating system and used by Microsoft applications is either documented poorly or completely undocumented. The effect of this is it give Microsoft application developers an unfair advantage over ISVs. A possible remedy would be to either split the company into application and operating system units or release the source code to the APIs. This would level the playing field for internal Microsoft developers and ISVs who are competing with them.

Regards,
Joe Cotellese

MTC–00017152

From: darren.scott@ihs.com@inetgw
To: Microsoft ATR

Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To whom it may concern,

AFter reading (and rereading) the proposed settlement in the Microsoft Anti-trust case, I must say that I am appalled. The proposed settlement is inadequate, unenforceable, filled with loopholes, and would have an insignificant effect on bringing these convicted monopolists to justice. If we as a society treated all criminals in the same manner in which we are treating Microsoft, then we would have no need for prisons. In short, please add my voice to the mass of other voices firmly against this settlement.

Thank you for your time
Darren C. Scott
U.S. Citizen and Registered Voter.

MTC–00017153

From: david.henning@dsic-nsg.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement
To: Renata B. Hesse

I agree with many of the reasons Dan Kegel and others have stated as to why the proposed settlement in this case is unacceptable to me as a consumer and end user of computer software. I take this time to write you about my particular concerns regarding this case.

I feel the monopoly Microsoft currently holds has hurt not only the country but the entire world with regard to the over all security and useability of the Internet. The homogeneity of Microsoft software has lead to larger numbers of virus outbreaks and ''hacking'' which cost billions of dollars to fix and recover from. The fix should be something that stops Microsoft from creating an environment which prohibits other vendors from entering the market. If Ford had prevented other manufacturers from entering the automobile market we could all be driving in Pintos and Explorers on bad tires!

I have also read that part of what Microsoft proposes is to give away its software to schools around the country. This is not a move to make restitution as much as to get more people using their product over the small number of competitors who might be trying to make inroads to the market. I see this as being no different than a drug dealer that gives away the first ''hit'' for free just to further their own business. I feel a better solution would be to make Microsoft pay for copies of competitor products and give them away to the schools.

I truly wish to see Microsoft punished properly for their crimes. I fear that they will simply use the money gained from these illegal activities to buy off the right people in our government. Please prove me wrong by making the penalties stiff and enforceable.

Thank you,
David Henning
Principal Information Security Engineer
CACI formerly DSIC-NSG www.dsic-nsg.com
301–306–2680 x1110

MTC–00017154

From: Ray Clouse
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement that the DOJ and Microsoft have reached is not acceptable to me as a United States citizen. It will not properly punish Microsoft for the damage it has done to the operating system and browser markets.

Ray Clouse
Cypress, CA USA
Ray.Clouse AT boeing.com
clouse AT rayclouse.org

MTC–00017155

From: Sashikanth Chandrasekaran
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The microsoft settlement is a bad idea. It will only give them a bigger monopoly. They must pay for breaking the law, instead the settlement is a reward for them.

Please reconsider.
-sashi.

MTC–00017156

From: Adele.Moore
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I am writing to express my concern regarding the recent Microsoft anti-trust settlement. I work in the advertising industry and do not agree with the Proposed Final Judgement simply because it does not provide ample protection for competitors of the Microsoft giant. Anyone that uses a computer on a regular basis is hard pressed to find alternatives to Microsoft software and services. The company is ubiquitous and far-reaching. The Proposed final judgement must do more to limit Microsoft's ability to crush competition and protect America's free market.

Adele C. Moore
P.O. Box 2343
Alameda, CA 94501
(510) 749–3687

MTC–00017157

From: Allan Metzler
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Allan Metzler

MTC–00017158

From: bts@akamai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I wish to comment on the Proposed Final Judgment. I believe that, as written, it will not solve the problems it is intended to solve. The two largest issues are these:

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

Please do not allow this settlement to proceed with these problems; I believe they will materially impact the security of the US computer networks.

Sincerely,
Brian Sniffen, Citizen of the United States
61 Medford St.
Medford, MA 02155
Brian Sniffen
Security Engineer day:
Akamai Technologies
bts@akamai.com
(617) 613–2642 cel: (617) 721–0927
eve: (781) 874–0699 pi: (314) 159–2654

MTC–00017159

From: mbelnap@proxy.
dmz.orem.verio.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I feel that I must comment on the proposed final judgement (pfj). I feel that there are a tremendous number of flaws with this settlement, but I will limit this complaint to the lack of enforcement capability. I feel that with Microsoft's history of repeatedly and openly defying any and all agreements it makes with the DOJ, it should be essential that in any agreement. The provisions in the pfj are incredibly toothless.

For this as well as numerous other reasons, I would ask that the pfj be rejected, and the doj should properly craft a settlement that does more to EFFECTIVELY remedy the harms inflected by microsoft in the past and prevent future abuses that are inevitably going to happen.

Mark Belnap
Pleasant Grove UT

MTC–00017160

From: bryan.davis@rapistan.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I don't agree with the DOJ's proposed settlement with Microsoft. Among myriad reasons, the two most important reasons to

push for a more stringent settlement and even punishment of Microsoft are:

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

and

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

I and others in the computer community have watched Microsoft crush innovative new companies, such as Netscape and WordPerfect, and see the government as faltering in its duty to protect consumers from the Microsoft monopoly. Microsoft was found guilty. Please take advantage of a situation that will never come around again and make Microsoft behave and play fair!

Cheers,

Bryan M. Davis

MTC–00017161

From: samb@medrgrp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Thank you for the opportunity to comment on this case.

Microsoft has the capability to terminate any other competing company in the PC industry by integrating features into their own operating system. It is possible that, if Microsoft integrated not just the web browser, but a photo editor, a drawing package, the word processor and office suite, and so on, that a whole handful of large software companies that currently provide these tools would cease to exist overnight. This has been and continues to be the policy of Microsoft (i.e. Netscape and/or Java). Much of this has come to light in the trial.

The resolution seems to be a good first step. However, in five years, the entire enforcement expires. Microsoft has enough cash that it can wait five years and develop strategies in the background during that time. When this judgement expires, the same behavior will reappear, in an even more vigorous and prepared form. I am sorely disappointed in the limited term of this judgement.

Please consider extending the duration of enforcement for this judgement.

Sincerely,

Sam W. Bowman

Name: Sam Bowman, Engineer at Large

Company: Medtronic Minimed, Northridge, CA

Phone: 818–576–4954

E-mail: Sam Bowman <samb@medrgrp.com>

MTC–00017162

From: shaun arral
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

RESTORE some competition in the computer field. If microsoft shared and played nice with other vendors, OS's, Apps, Languages, Protocols, Standards the computing industry would be better for all, not just one. And to make it worse this ONE has the worst OS, Apps out there. THEY HAVE NO RELIABILITY in their software. So you always have to upgrade...what a joke. PLEASE punish Microsoft and help resotore competition to the computer industry and watch technology, innovation really explode !!!

What if it was a secret held by the biggest electric company which wire is ''hot''...????

What if there was a standard (use red), but the big company said ''white w/red stripe also'' but didn't tell others. I don't know if this example is true but it works. See what Microsoft does?

Shaun

MTC–00017163

From: Kevin M. Lowe
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

As a developer for Microsoft's technologies, servers, and client systems, I have reviewed with interest the proposed settlement. I understand that there have been a number of complaints, and wished to note that I find very little to be wrong with the settlement as proposed. In fact, its terms may actually damage developers by being too harsh (for example, III.C.3 allows for alternate interfaces of ''similar size and shape'' on Middleware; interface continuity is something very much relied on by developers,) or unnecessarily delaying Microsoft from fulfilling obligations related to the maintenance of their software (III.D, tying the release of a Service Pack—an endeavor regularly scheduled at a six-month interval and coming due in mid-April to an effort to prepare internal documentation for external distribution that could conceivably delay the release of the Service Pack, including vital security fixes, by several months.)

I also disagree with the concept of allowing users to remove components of the operating system. Again, developers take for granted that certain portions of the system will be available, with their own unique API's. For example, the playback of digital media through an HTML document is accomplished using an ActiveX control (a link to a small program on a user's hard drive.) If said control is not in place, or if an OEM-approved replacement does not support Microsoft's API completely, such functionality might not work. Such components would have to be added to the redistributable package, increasing install package sizes in a time where high-speed internet is still disappointingly unavailable in many areas and decreasing the amount of available space on physical install media. Alternately, developers would have to detect and code for several major API's, severely adding to development time.

However, these complaints are insufficient for me to voice disapproval for the settlement, and as such I wish to voice my approval in contrast to the dissenting comments also received.

Sincerely,

Kevin M. Lowe

MTC–00017164

From: Smith, Nathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I disagree with the proposed settlement because I do not believe that it adequately addresses future behavior, including licensing and fair disclosure of interoperability requirements. Furthermore, it explicitly attempts to exclude the open source software markets from having access to the required information.

Sincerely,

Nathan Smith

703.588.0069

MTC–00017165

From: Michael.Ahlf@mail.uh.edu@inetgw
To: microsoft.atr@usdoj.gov
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am writing in to contribute my opinion, as a U.S. Citizen and taxpayer regarding the proposed Microsoft settlement.

In short: this thing stinks to high heaven. It does absolutely NOTHING to repair the results of Microsoft's years of flagrant antitrust abuses, and does very little to prevent them from using the advantages they have gained from those abuses in the future. It also does almost nothing to stop Microsoft from moving into other fields and doing the same thing.

Microsoft has moved in a predatory manner with its operating system business, edging competitors out of the way by adding its own proprietary products into the operating system. The obvious case involves the conflict between Microsoft's Internet Explorer browser and Netscape's, but there are others. We have witnessed the flap over Windows XP, which was to include CD burning software and does include products like Microsoft's MSN Messenger, a direct competitor with AOL's Instant Messenger, Yahoo's Yahoo Messenger, and other messaging products. We have also seen Microsoft using the power it holds on the operating system to nudge users towards the Hotmail service and using Hotmail, one of the largest email services, forcing Hotmail users to sign up for the ''Passport'' service. Microsoft has also used its control of the operating system to force OEM vendors to offer Microsoft's other products like Microsoft Office, removing competitors like IBM's Lotus suite and WordPerfect from the forefront. Microsoft is also predatory in their pricing: by holding so much of the market, Microsoft is able to leverage this and force users to ''upgrade'' to the next OS sooner than normal, as well as at a much higher cost than a competitive market would provide. ''Upgrade'' packs for the home user edition of Windows XP come at $99; the price is more than double that for a full installation disk not requiring the purchase of an older Microsoft OS. This is the only pricing scheme where the price of the upgrade is on the same level as the original purchase.

To actually solve the problems Microsoft's violations of antitrust law have caused, there

need to be heavy restrictions on Microsoft's conduct regarding the operating system, and a stop to the predatory restrictions on OEM publishing that bundle MS Office and other programs together. There need to be provisions to aid companies like Sun and Netscape, who have been harmed by Microsoft's illegal exploitation of its operating system monopoly, in regaining their lost market share to provide a truly competitive market.

The proposed settlement, by contrast, is the equivalent of sending a three-year-old to sit in the corner for 10 minutes before he goes right back to drawing on the walls. He doesn't learn a thing, and all you'll teach Microsoft is that it can get away with breaking the law. Don't let it happen.

Sincerely,
Michael Ahlf
4361 Wheeler QT333
Houston, TX 77004

MTC–00017166

From: Matthew Carpenter
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Response to the proposed Microsoft settlement

To whom it may concern-

Hello, my name is Matthew Carpenter and I am from Grand Rapids, Michigan. As one who is intimately familiar with computers and related technology, I would like to express my concern about the proposed settlement in the US vs. Microsoft case. I will spare you the ''techno-jargon'' which I'm sure you have most likely recieved already. Basically, the way I read it, the settlement does not fulfill the requirements of ''penalty'' and indeed benefits the software monopolist.

Microsoft has been convicted of maintaining a monopoly through illegal and unfair means. Remedies need to address the illegal behaviors, their affects, and overall demand a penalty which at the very least will dissuade Microsoft and others from similar activity in the future. Please don't allow Microsoft to convince you that it is in the best interest of the public to let them off easy. They have contributed a lot to the furthering of the computer industry... but the cost has been great as well, not only for their competitors, but for the public in general. The free-market system, for all its weaknesses, is still the best thing for America. Microsoft would, in my experience, say that their contributions are great and the cost is little, but by making our choices for us, they don't allow us the chance to prove otherwise.

In my opinion, remedies must address the following things to attempt restitution for the damages, or at least to allow the damage to be healed: *

Microsoft's underlying technologies should to be made available to everyone openly. If the ''standards'' which Microsoft touts (eg. the format for .doc, .xls, .ppt files, etc...) are to continue, making them ''open standards'' in which all parties can participate openly should allow for a little competition to build. Currently products which attempt this do a poor job due to flaws in ''reverse-engineering''. This should be the case going forward for old and new file-formats and other such for at minimum of 5 years. Potentially, their file-formats would be a good thing to open to a standards body like ISO.

* Microsoft's ''innovations'' should be kept under watch, to avoid their standard behavior of ''extending'' open-standards, which only breaks the standard. If they are to ''extend'' open-standards, they should be made to do so with the consent of a standards body which could limit changes between official standards timeframes, to promote interoperability.

* Microsoft's Application Programming Interfaces(API's) should be made available completely, not in part as has been the case, to all partners and developers. This is the goal which splitting the company was to address. The ''internal API's'' currently include much better ways of solving a problem than the API's made available to many companies, putting everyone else at a disadvantage and allowing Microsoft Desktop and Server technologies an unfair advantage over technologies developed by anyone else.

* Microsoft should be made to pay the costs for all of the above to be implemented, and any administrative fees for such.

To sum up the situation, Microsoft is the playground bully of the Computer Industry. They have already caused a great deal of damage to the industry, costing even more than they have contributed, in my opinion.

The resolution needs to attempt to make them ''play nicely with the other children'' so-to-speak, while encouraging them and any future potential monopolists to avoid incurring the ultimate damage to the American people (and the world over): using their monopoly to take away the possibility of our having other choices.

Obviously this is a difficult decision as it does not seem like a normal thing to force a company to open up its ''intellectual property.'' But this is not a normal situation. The company in question is a monopoly whose ''intellectual property'' has become a commodity to information systems. A monopoly who has proven itself capable of abusing its monopoly in order to maintain it. A monopoly who through doing so has deprived us of countless technologies which may have made our lives better. A monopoly who would have us only have one choice: a choice proven to have more security and stability problems than any systems in the past. A monopoly who in doing so, artificially enlarged the number of products which require their software, because there are no other viable choices. Even if it may appear that there are beginning to be other viable options now that the lawsuit has stayed some of the more blatant illegal activities, the penalty should be made with regards to the circumstances at the beginning of the lawsuit.

Please reconsider allowing the proposed settlement to go forward. Please consider what is best for the public. Encouraging competition in a free market is what's best. Microsoft has shown that they don't have to consider what's best for us and that is why we are here now.

Thank you for your time and consideration.

Sincerely,

Matthew Carpenter
Enterprise Information Systems
matt@eisgr.com
matt@e-i-s.cc
616.813.5103
231.834.9228

MTC–00017167

From: Robert Baruch
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement
Hash: SHA1
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

Under the Tunney Act, I am writing to comment and to express my concern and dissatisfaction about the Proposed Final Judgement (''PFJ''). Among other concerns, I have a few primary concerns.

1. I am dissatisfied about the PFJ's definition of ''API'' (Definition A). The PFJ defines an API to mean an interface between Microsoft Middleware and Microsoft Windows. I do not understand why this definition is limited to middleware published by Microsoft. Reducing Microsoft's monopoly would be better implemented by requiring Microsoft to document, for no fee, all of its API's, including undocumented API's, between Microsoft Windows and any other piece of software.

Even the definition of ''middleware'' (Definition J) is unsatisfactory, due to its loopholes, and I would prefer to keep the original definition as set forth in the Findings of Fact, paragraph 28.

2. I am dissatisfied with the way the PFJ allows Microsoft to erect competitive barriers through the use of patents. Not to get into a debate on the validity of intellectual property patents, but I feel that allowing Microsoft to set the licensing fee for a Microsoft patent to even one dollar per developer erects a barrier to their use by non-Microsoft developers to develop software that will work with either Microsoft Windows or other software that works with Microsoft Windows (e.g. software developed by existing licensees).

API's, protocols, and file formats are the methods one piece of software uses to communicate with another piece of software. By allowing these methods to be patented at all chills entry, but even given an existing patent, any licensing agreement short of royalty-free chills entry as well. Microsoft cannot be allowed to select the license terms of their patents which apply to API's, protocols, and file formats. And those license terms must be royalty-free.

3. I am dissatisfied with the way the PFJ treats API's as the only method of communications between one piece of software and another. I would prefer that any mechanism of communications be included, including protocols (such as .NET and SMB) and file formats (such as Microsoft Word's .doc and Microsoft Excel's .xls). Allowing these mechanisms to remain undocumented sharply increases the entry barrier to non-Microsoft developers and to developers who are not Microsoft licensees.

Thank you for your time and effort in helping to prevent a continuation of Microsoft's monopolistic practices.

Yours,
Robert Baruch
76 Collins Lane
Rising Sun, MD 21911

MTC–00017168

From: elmlish
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement: Illegal Behavior: Proven. Punishment Urges More Illegal Behavior?

Dear Justice Department,

I am truly frightened by the situation highlighted by the Microsoft Antitrust Trial. I have read the many variations of settlements that have been published and have been disturbed by the lack of force inherent in the proposed remedies. Most do nothing that would conceivably deter Microsoft from continuing it's Proven Illegal anti-competitive practices and furthermore, would do next to nothing that would reasonably punish them for their illegal actions nor would it do anything to help rectify the situation (i.e. make the computing market a more competitive one).

My impression is that any settlement that Microsoft agrees to would be one that does the minimum amount of damage to their business model. My Question to you is this: would you try to come to an agreement with a murderer about his proposed sentence after being proven guilty? Would you truly let the Criminal have a say in their punishment? It strikes me as a Parent asking their child what sort of punishment they should have for doing something bad. The Child will very often opt for a punishment such as letting them watch more tv or some other action they like. It's silly.

Please do your best to be just and fair. If a corporation can be considered to possess the rights of a natural person then they should be considered burdened with the same responsibilities. Illegal actions should lead to sanctions aimed at first stopping the illegal behavior and then to a rectification of the situation. Efforts should not be wasted on appeasing the ''wounded'' transgressor. Please help me have faith in our government. Please do your job to the best of your abilities. I know that your position is a difficult one, but the fate of all of us, in some part, is in your hands.

Your's in seeking justice and fairness,
Israel C. Evans.

MTC–00017169

From: Coy Thorp
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I have read the terms of this settlement, and do not feel that it is comprehensive enough. Microsoft has created a barrier for other companies to enter into the desktop/intel PC market, and this PFJ does nothing to prevent this.

Coy T. Thorp
Network Systems Administrator
MDL Information Systems, Inc.
14600 Catalina St.
San Leandro, CA 94577
800.955.0051 x1190
coyt@mdli.com

MTC–00017170

From: stephan
To: Microsoft ATR
Date: 1/23/02 12:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to state my opposition to the proposed settlement in the Microsoft antitrust trial. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, there are no provisions that correct or redress their previous monopoly abuses. The proposed settlement only attempts to prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephan M Reed
152A Ximeno
Long Beach CA, 90803

MTC–00017171

From: Julia Christianson
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I would like to add my voice to those who are very concerned about the terms of the Proposed Final Judgement in the Microsoft case. I agree with those who believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

There are many areas of concern, but my greatest concern is that no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

I am also concerned that under the terms of the PFJ Microsoft may still impose penalties on OEMS (large or small) which choose to provide computers loaded with a competing operating system in addition to, or in place of, Windows.

I am in charge of office automation for a mid-sized non-profit human services organization in Northern Virginia. In the face of continuing funding cuts we can simply no longer afford to run Microsoft software, and we have found open source a very reasonable alternative for our server applications. However Microsoft's refusal to make public their file formats and APIs is keeping us from making the switch to open source on the desktop. Given Microsoft's long history of questionable business practices, the only hope for us in the long term is for the Justice Department to insist upon a full set of remedies for the numerous violations of the laws of the United States identified in the Findings of Fact.

Thank you for your consideration.
Julia Christianson
ICON Community Services, Inc.
110 N. Royal St., Suite 508
Alexandria, VA 22314
juliac@iconservices.org

MTC–00017172

From: Juha-Pekka.Laesvuori@qpr.fi@inetgw
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

One comment,

Bigger companies that have strong positions like Microsoft try to influence surronding area and make it more suitable for company and it's product.

One act for this is to get people to get used something. If you have been playing aroung with Windows from the kid it is much harder to jump to something else. So if Microsoft is allowed to ''compensate'' it's restrictions to other companies by giving some of it's product as a ''free'' it is not a any punishment.

Of course Microsoft is claiming that it will loose some money because the those universites/schools don't buy Microsoft's products.

That is partly true, if you check only small picture, but if you check what Microsoft is doing at the same time volantary on console markets. They are selling consoles with loss, just to be able to sell games later with good profit. Everything that company does cannot make profit but it can still be a part of the plan.

Microsoft is also already started to move it's product to centraliced system. (e.g. MS Passport and yearly billing.)

If they get more companies (including schools and universities) to use their product then those will get guarented bills from this forward and settlemet moneys will end on some time and then microsoft has managed to arrange cash cows.

If they will get people to use their system now then they will also get those people get used to it and to left their information to there.

So actually they will just create future income. So I see that court cannot agree any settlement that would support strategic goals of Microsoft.

Real punishment would be to put Microsoft to pay some other operating system installation to schools & universities

(But actually it could be favoring something so better to be just and not to favor to support any specific company)

Regards,

JP

MTC–00017173

From: Trail Potter
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

Microsoft's new subscription plan is flagrantly anticompetitive by preventing companies from using competing products. When the CIO signs up for Microsoft, the agreement becomes exclusive.

This is the very definition of Monopoly.

To allow this to continue is a slap in the face to the rule of law.

Trail Potter
Field Manager
Smartdentalbenefits.com
TrailP@smartdentalbenefits.com
323–822–1900 mobile
PO Box 69248
Los Angeles, CA 90069

MTC–00017174

From: Don Rogers
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust

settlement just for settlement's sake.

A wrong that is not corrected is compounded.

Sincerely,
Don Rogers
drogers@shasta.com

MTC–00017175

From: David Aronchick
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Support for the MS decision

I realize that you're probably getting an enormous amount of spam regarding the settlement with MS. I for one just want to show my support for a lighter sentence. I'm an entreprenuer myself, and I fail to see the justification for a harsher penalty.

Point 1) MS has a monopoly in the operating system market. No argument there.

Point 2) MS did include an internet browser with their operating system. But they never charged for it, they never released it as a separate download. It was an augmentation to the OS, not a bundling.

Point 3) Open sourcing or forcing a stripped down version of Windows offers no substantial benefit to the competitive marketplace. Yahoo currently releases a messenger which is small to download, changes all the settings to adjust to yahoo's sites, and allows yahoo fully competitive offerings.

MS has not moved to prevent this or change yahoo's offering in any way. I think this is a prime example of a fully competitive marketplace.

In summary, please don't listen to all the nay sayers. The important point is that with the observation body in place, the settlement as it currently stands will be more than enough.

MTC–00017176

From: Kevin Butler
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

I am writing a follow-up letter to my previous submission to indicate my support for and agreement with the Dan Kegel, et al, joint ''Open Letter to DOJ Re: Microsoft Settlement''. As of 2/23/2002, the letter is available on the World-Wide Web at http://www.kegel.com/remedy/letter.html and it will be submitted to the Department of Justice.

Please read and consider that letter and its large number of co-signers.

Thank you
Kevin Butler
Software Architect
Campus Pipeline, Inc.
1073 S 2230 E
Spanish Fork, UT 84660

MTC–00017178

From: Jim Straus
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

Hello—

I am against the proposed settlement with Microsoft. The terms are too loosely defined, the remedies if the settlement is not followed are ineffective, and the settlement does not restore competition in the market place. I do not believe this settlement is in the public interest.

Thank you
Jim Straus
Austin, TX

MTC–00017179

From: Paul Koenigsberg
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a web programmer, I am opposed to the settlement in its proposed form, the primary reason being its wording that amounts to Microsoft's complete discretion over which entities can access their Application Programming Interfaces (''APIs''). Such discretion effectively allows Microsoft to control which technologies can interact with its products, further strengthening their leverage in current and future markets.

I would also warn that this settlement, if allowed to proceed, will have damaging consequences in the long run for Microsoft and the U.S. technology sector itself. Governments, businesses, and technologists in foreign countries are watching this case with a keen interest. What they see is Microsoft's political coming-of-age, via the Bush administration, via their soft money contributions, and the leniency of the settlement. Microsoft can be perceived as having a new, close relationship w/ the U.S. government and U.S. national interests. As a consequence, and against the backdrop of a security-conscious world, foreign governments and businesses will seek non-U.S., non-Microsoft technology solutions for their critical and widely deployed applications in the name of security, as some are doing already. Domestically, companies and individuals who are privacy-conscious will no doubt step up their efforts to find alternative software solutions to Microsoft as well.

Microsoft is already in trouble with their small to medium-sized business customers in regards to their new price-gouging software licensing, costing 25 to 30% more annually in most cases. Please don't let them shoot themselves in the other foot with a settlement that rewards them for anti-competitive behavior and sends a message to the world that Microsoft is in bed with the U.S. government.

Cordially,
Paul Koenigsberg
335 West 19th St. #C12
New York, N.Y. 10011
email: paul@sloangroup.com
<mailto:paul@sloangroup.com>

MTC–00017180

From: Robert Lucas
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

From what I have heard of the Microsoft settlement I do not feel it will prevent future abuses of monopoly power that Microsoft has been conducting, nor do anything to even slightly make up for the past transgressions.

The idea of having Microsoft give out free copies of Windows to schools seems noble at first, but is about as ludicrous as punishing a drug dealer by having him give out cocaine to school children for free. Further spreading Windows as it is currently designed will only foster addiction as the company has a unabashed reputation for creating products that quickly become obsolete and require expensive upgrades (try typing ''Hello Mom'' in one of the later versions of Microsoft Office and opening it up with even a year old

copy!) Furthermore, unlike tangible assets, the giving away of ''intellectual property'' like Windows in bulk is virtually costless to Microsoft and is not a suitable punishment.

Windows currently has a monopoly on the desktop and any solution to restore competition will take years. However the only way that this competition could even start would be for companies and individuals to at the very least understand how to work with Windows machines. By this I mean that the APIs and protocols used to network various Windows machines must be made public knowledge FOR EVERYONE. Furthermore, resellers and others should have the right to modify purchased copies of Windows to better suit their needs and their costumers needs. The monopoly power of Microsoft allows them to implement closed systems that impair innovation and are even probably illegal to try to reverse engineer out these days. The Internet works primarily using the TCP/IP protocol, if this protocol were protected the same way the protocols Windows uses to attach to something as simple as a printer the Internet would never have become what it is today.

Microsoft continues to try to abuse their monopoly stance by squashing competing companies like Netscape and then redirecting every mis-typed web page address to their home portal. They add hooks to many of their media programs that encourage you to sign up for their Passport system with deceptive messages that make it sound like these two things are somehow related. They create new encryption protocols for the honorable goal of digital security, then ensure that software for these protocols only works under Windows rendering any other alternative operating system useless.

As I see it, the only way to stop Microsoft from abusing their power is to stop them from oppressive licensing schemes for resellers and to stop making software and protocols that only work under Windows. I'm not sure how I would punish them for their past deeds, but I think that any punishment should be designed to help those companies and individuals wronged by Microsoft's actions to succeed in creating competition against the company. I also strongly favor the idea of the creation of some sort of oversight committee to help ensure Microsoft starts acting responsibly.

Sincerely,

Robert

Department of Molecular Biology & Biochemistry (\

University of California Irvine, Irvine, CA 92697–3900

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Email rlucas@uci.edu

http://www.ags.uci.edu/rlucas

MTC–00017181

From: Dan B. Mann
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I don't agree with the settlement terms.

Dan Mann

MTC–00017182

From: Mike Moose
To: Microsoft ATR
Date: 1/23/02 12:53pm
Subject: Microsoft Settlement

DOJ:

I am against the proposed settlement with Microsoft. I do not think the settlement does enough to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems.

Furthermore it is entirely unbelievable that the government would accept the solution proposed by Microsoft, namely that it be able to extend its monopoly by distributing free copies of its softward to the public school systems.

Mike Moose

www.glaserworks.com

architecture & urban design

MTC–00017183

From: Benjamin Cressey
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is woefully misguided and will do nothing to curb Microsoft's anticompetitive practices.

Benjamin Cressey

Systems Architect

MTC–00017184

From: Ross J. Reedstrom
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I am a research scientist in the computer and Information Technology Institute at Rice University, in Houston, TX. I have been doing research and development in the field of information technology for over 5 years. I find the Proposed Final Judgment (PFJ) to be not in the public interest, for many reasons. One principle objection I have is the usage limitations placed on the information that Microsoft Corp. (MSC) is being required to release by section II.D of the PFJ, to wit:

''for the sole purpose of interoperating with a Windows Operating System Product,''

This restriction serves to enhance, rather than remove, the monopoly MSC holds in on Intel-compatible PC operating systems, as affirmed by the Court of Appeals. It excludes a valid mechanism by which the Court could reduce MSCs monopoly: encouragement and support of ISVs and others to develop software that allows applications designed to run on the Windows family of operating systems to run on top of other operating systems, thereby directly competing with MSC in the area they hold an illegal monopoly. Such products have —not— been written by commercial ISVs, however, non-commercial efforts to develop such software have started, with great difficulty, discovering the secret parts of the Windows APIs by trial and error. One such project is WINE, designed to allow Windows applications, even MSCs own applications, to run on Linux and other Unix-like operating systems on Intel-compatible hardware. This is only one example of how the PFJ has been limited and restricted to the benefit of MSC. The finding of law is clear: the Court of Appeals affirmed it—MSC is an unlawful monopolist. Yet, the PFJ has no effective enforcement mechanisms, even though the violator (MSC) has shown a history of ignoring and blatantly violating court judgments. The restrictions that —do— exist in the PFJ are so weak, with unusual, narrow definitions of common terms of art, such as ''API'' or ''Middleware'', such as to gut what little power they might have had.

In short, I agree with the State Attorneys General who found this settlement completely unacceptable—it does nothing to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, Section V.D.) As a citizen of this country, I am disheartened that the government department whose purpose is to enforce the law of the land, whose very name is composed of one of the great moral principles our country is founded on, Justice, would offer such a complete capitulation to lawbreakers, in the name of expediency. In this time when our nation and its principles are under attack by forces who seek to deny us our fundamental freedoms, it is imperative that we stand firm, and support the principle of rule of law, in both letter and spirit. Even if the proposed final judgment fulfilled the letter of the law, which I do not believe it does, it clearly violates the spirit.

Ross J. Reedstrom

Ross Reedstrom, Ph.D.

Executive Director

Gulf Coast Consortium for Bioinformatics

Rice University MS-39

Houston, TX 77005

reedstrm@rice.edu

phone: 713–348–6166

fax: 713–348–6182

MTC–00017185

From: Kevin Fitch
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I feel that the Proposed settlement is insufficient. In order to get an appropriate resolution I feel that we need to look toward a healthier segment of the technology industry: hardware. In the hardware industry their are several standards bodies that allow for interoperability and competition. These include JEDEC and IEEE. Some of the things that these bodies require includes discosure of patents. Just look at the recent incidents with RAMBUS to see how these organisations are helpfull to maintain competition. Also these standards bodies force companies to work together to generate standards very early in the development of new technologies. This prevents the ''first kid on the block'' from becoming the only kid on the block.

The main area in the hardware industry where there is little competition is with CPUs. This is in my opinion a result of the Microsoft monopoly.

Kevin Fitch

MTC–00017186

From: Matt Rowland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

To whom it may concern:

As should already be clear to justice department officials, the proposed Microsoft Anti-trust settlement appears to be a travesty, a measure that in fact remedies none of the complaints raised against the software giant while providing the comforting appearance that Microsoft has been reprimanded. I imagine that's fine with Microsoft. They know the value of publicity and no doubt PR spin-meisters are already framing a picture of a reinvented Microsoft that encourages competition and innovation above all else. The company will come out of this with renewed vigor, knowing it can even take on the federal government and win.

The losers, meanwhile, are consumers and competitors. Based on what I've seen of Microsoft's behavior in the press, the primary goal is profit derived from market domination, with innovation and quality seemingly secondary. One can't deny that Microsoft has changed the landscape, in many respects for the better, but if its strategy for retaining market share is to put the industry it has helped to define in a strangehold, it must be restrained.

How will consumers benefit? How will the tech industry benefit? The efficacy of the proposed settlement must be considered carefully in light of these two questions to ensure that it has the desired effect. The issues are quite complex, but since you are the ones tasked with understanding what's involved and evaluating the settlement proposal, I trust your decision in this will be the best one for the general public and the tech/software industry.

I'm sure you've been sent this link previously, but it summarizes key sticking points in the settlement: http://www.kegel.com/remedy/letter.html

I'd be wasting my time to attempt to recount the problems with the settlement when such a clear exposition of them sits right there.

Respectfully yours,
Matt Rowland
TaxWise Technical Support
mrowland@taxwise.com
matt@paperlove.org
www.paperlove.org

MTC–00017187

From: Ken
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to add my comments on the Microsoft antitrust settlement. I was not surprised when Microsoft was found guilty of engaging in anti-competitive practices. I do not know any computer professional that does not believe that Microsoft is in fact a monopoly.

Unfortunately the settlement that has been proposed seems to be a rehash of the previous ineffective measures that were levied against them 10? years ago.

I believe that the only truly effective solution is a breakup, similar to the settlement against AT&T. It is clear that Microsoft is a monopoly. Perhaps as a regulated monopoly real competitors can emerge and flourish.

Ken Goldenberg
Stoneham, MA
Sr. Software Engineer

MTC–00017188

From: Jason Metz
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Proposed Microsoft settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

First of all, I think that Microsoft is an excellent business and an American icon, and as such they should be encouraged to act in a way that we all be proud of. They are among the best corporations in the world at taking established technologies, packaging, and marketing them to the mainstream market. They are also, as the Department of Justice has proved, adept at the illegal use of their desktop OS monopoly to manipulate the access their competitors have to the desktop market.

As a user of computer products and a US citizen, I feel it my civic duty to comment on the proposed settlement, as I feel it has shortcomings. The settlement as it stands has been obviously crafted to avoid a structural remedy, and while it proposes some strong remedies in the area of conduct, I feel they are not enough to be effective in ensuring that Microsoft will not become a repeat offender.

Where is the penalty? Microsoft has enjoyed an enormous financial windfall through their decade of illegal practices, and now they are asked to donate $1.4 billion of obsolete hardware running Windows to schools? This has been a marketing tactic used by both Microsoft and Apple for years.

Increased familiarity with their products in the school translates to strong consumer preference in the years to come.

Surely there can be some effective penalty arrived at that will not severely damage the US economy and yet will not be merely a marketing opportunity for the. This settlement, as proposed, sends a strong message to the computing industry that it is ''business as usual'' and will obviously represent less of a deterrent to Microsoft than their lawyers'' fees.

Under the current version of the settlement, Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system API and file formats.

Based on their past performance, I do not believe this will be an effective solution. I think that Microsoft should be forced to standardize, disclose and license the entire set of Windows APIs and the file formats of its Office applications to any entity on a non-discriminatory basis, so that it will no longer be a secret how to interoperate with Windows. Any Microsoft networking protocols should be published in full and approved by an independent network protocol body to ensure the independence of the internet. I do not feel confidence in the tribunal as proposed and feel it should be more independent in nature.

I hope the Department of Justice has been following the revising of Microsoft's Windows XP business liscencing scheme following undertarget acceptance by the business community. Industry is saying they will not be gouged as Microsoft moves to an ASP model. There is a similar remedy for the average consumer (ie. to stick with Windows2000), but for how long? There must be interoperability and backwards compatibility assurances included in this settlement to ensure that Microsoft does not use new applications to leverage the adoption of their new, more lucrative, revenue model.

I close in saying that I appreciate the hard work and consideration that the Department of Justice has given this matter on behalf of myself and all Americans. It is vital to the national interest that innovation and business opportunity at all scales of entry be preserved in the face of Microsoft's current domination of the desktop.

Please consider these and other criticisms of the settlement proposal, and procede as your conscience dictates, keeping in mind the trust we all place in you.

Jason Metz
5636 Montgomery Place,
Vancouver BC, V6T 2C7
Canada

MTC–00017189

From: Ben Messinger
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

To Whom it may concern,

Thank you for giving me the opportunity to comment regarding the proposed DOJ settlement with Microsoft corporation. In my opinion there are many serious shortcomings in the proposed settlement. I will take this opportunity to point out only a select few.

1) The proposed final judgement does not address the issue of ''file format'' documentation. The DOJ identified non-disclosure of Microsoft Office file formats as an Applications Barrier to Entry (findings of fact, paragraphs 20 and 39)—by withholding file format specifications, Microsoft prevents competitors from developing applications which can read or write Microsoft Office compatible files—thus preventing the exchange or sharing of documents between Microsoft Office users and users of competitive software products. This strengthens Microsoft's monopoly by hindering the exchange of information with non-Microsoft products.

2) The proposed final judgement so narrowly defines ''API'' (application programming interface) that the requirement of Microsoft to disclose it's API's will be interpreted in such a way that many of the most important API's will be excluded from disclosure.

3) The proposed final judgement defines ''middleware'' and ''Windows'' so narrowly that very slight changes by Microsoft virtually guarantee Microsoft the ability to circumvent the proposed restrictions by simply altering their products slightly.

4) The proposed final judgement fails to address anticompetitive licence restrictions

currently in use by Microsoft which among other things:

a) prevent the use of certain windows components in conjunction with competing software. For example: The Microsoft Windows Media Encoder SDK (a tool for creating windows software)End User Licence Agreement states in part ''... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...''

What this means is that software developers can use the Windows Media SDK to develop their software, but they are not allowed to do so if their software is made ''publicly available'' under the above definition.

b) Microsoft attempts to prevent the developement of software that is compatible with alternative operating system products. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used to create Windows-compatible applications. The Microsoft Platform SDK EULA reads in part: Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' this makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the proposed final judgement is contributing to the Applications Barrier to Entry faced by competing operating systems.

It is my deepest hope that you will reconsider the proposed judgement, and rewrite or amend it in such a maner as to remove the many many loop-holes and inadequate provisions which will, if implemented as currently proposed, virtually guarantee that Microsoft will continue in it's tradition of anti-competitive and publicly arrogant disregard for both the letter and spirit of the law.

Sincerely,
Ben Messinger
Kennewick, WA
CC:LUG,tunney@codeweavers.com@inetgw

MTC–00017190

From: Jeff Johnson
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Folks,

Don't let Microsoft buy their way out of this one. If we're going to pretend that we don't support monopolies, let's not support the company that everyone knows is a monopoly.

Also, please be aware, when you are reading the comments you are collecting regarding this settlement, that Microsoft is a masterful marketing machine, and that they successfully use every opportunity they get to sell their products. This includes ''grass-roots'' marketing, in which they ''stuff the ballot box'' with people who express their desire for Microsoft to be let alone to ''innovate.''

Anything in the settlement that enables Microsoft to further expand their customer base (through the distribution of free software licenses, etc) undermines the very aim of the case itself. While they obviously should be allowed to continue doing business, I believe it would be wise to focus more on limiting the ways in which they can use their market presence to crush competition.

Thanks for your time.

Jeffrey Johnson

MTC–00017191

From: Falatko, Jerry (CAP, PTL)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

I believe the proposed settlement is far too lax and will fail to be effective.

MTC–00017192

From: jeff147(a)excite.com
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement
CC: jjacobs@dagger.net@inetgw

MTC–00017192—0001

I would like to voice my opinion of the proposed settlement of the antitrust cases against Microsoft. I am a Systems engineer by profession and from the wording of this proposal various software applications that are forcefully included in all of the operating systems from Microsoft are defined totally incorrectly.

Some of these software applications are the media player, Internet explorer, notepad, wordpad as well as many others.

All of these software applications are misrepresented as middleware. Middleware programs are in the simplest term's translators nothing more and nothing less. These middleware programs take input in one form and make it available for use by any program that can fully support the API (application programming interface) for a universal way to exchange information between different systems. Middleware allows for systems to be changed to another manufactures software easily. This is possible because the API's to most middleware programs are made fully available to anyone wishing to make their product to be compatible.

Microsoft should be required to fully disclose to the general public on a public accessible website the entire API's the programs they want to be defined as middleware and be required to make any additions or changes available for 90 days before any microsoft program may be released can use this change. This requirement would help in making completion possible in these areas of the market.

In closing the current proposed settlement should be rejected and rewritten leaving no loopholes or areas were the guilty defendant (Microsoft) can dictate who and what the API's can be used for.

Jeff Jacobs
Systems engineer
Dallas, Texas
MTC–00017192—0002
01/29/2002 9:51 A

MTC–00017193

From: Kevin Loechner
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

Dear Sirs:

The proposed Microsoft settlement amounts to a slap on the wrist for Microsoft's predatory business practices. This settlement does nothing but preserve the status quo, which allows Microsoft to continue exploiting their situation as before. First of all something must be done to end the ''Microsoft Tax'', in which OEM's are charged a licensing fee by Microsoft for each computer they produce, regardless of a Microsoft Operating System product being installed on a given machine. This fee is then passed along to consumers, who assume they are getting Windows for free with their machine. Microsoft must also be forced to open up it's APIs and document formats, so third party software companies actually are given a fair opportunity to produce a product that works as well as Microsoft's products on the Windows Operating Systems. With the control that Microsoft is given in keeping their document formats and APIs closed, no other company really has a chance to compete with Microsoft since they control the Operating System. Thank you for taking the time to take my comments into consideration.

Sincerely,
Kevin A. Loechner
105 Mt. Washington St.
Lowell, MA 01854
(978)452–7982
dtfan579@yahoo.com

MTC–00017194

From: Eugene Regad
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

The proposed settlement fails to meet the public interest in a very critical way:

Microsoft executives have identified Linux as its number one competitor. They vigorously used Linux before the trial court as proof of the existence of competition. The trial judge did not accept that claim as fact, but did agree the potential was there. The settlement does not even acknowledge open source as potential competition. The settlement further allows Microsoft to define what competition is (solely in the form of ''viable'' companies) and hence prevent or suppress open source movement competition.

It would make sense for the settlement to permit that ''competitor'' to actually

compete. Linux is just the name for the most prominent competing operating system kernel. Many other components make up a usable system. Many of these are also released under the same or similar ''free'' (GNU GPL) or ''open source'' license provisions.

The most useful means of encouraging competition (open source or otherwise) is to make it feasible for other parties to write, release, and sell competing or complementary products, from the kernel through all kinds of end-user applications. To this end, three provisions must be added to the settlement:

1. Microsoft must be required to publish its file formats.

2. Microsoft must be prohibited from breaking competitive products.

3. A system of financial penalities must be implemented for violations.

Item 1.

Microsoft must publish, for free use by anyone, without any license, all the file formats used by it's operating systems and applications. File formats are just the parameters required to read or write a information to the hard drive, or for transmission to another program or computer. Knowledge of file formats is essential to write or use a competitive or complementary product.

All the variants of such formats must be included, and all changes must be promptly published. ''Promptly'' means at the moment when Microsoft management determines that a change is necessary and provides such formats to its own programmers. Publication must include posting to an internet web site accessible to all, without any license, registration, or prior consent from Microsoft. Any person must be free to copy and republish, document or comment upon the formats without any consent of Microsoft.

This does not give anyone access to the program code used for such purposes; Microsoft can still keep its programs, and methods of programming secret.

Item 2.

Microsoft has a history of breaking competitive programs by falsely claiming compliance with ''standards'' and adding features which prevent competitive products from working properly. The most common method is ''embracing and extending'' standards (ISO, IETF, etc). Embracing and extending is actually the practice of announcing support for a standard, and then adding features which are not documented, are proprietary, copyrighted or patented. These ''extensions'' are specifically designed to break competing products. One example is ''smart quotes'', which is little more than a toy feature to help incompetent writers properly close quotes. It is done by changing (corrupting) the standard ISO fonts used by the word processor to something different than the ISO standard. It shows up in unaware programs by displaying a question-mark or a garbage character. Other e&e practices are much more pernicious.

The settlement should require Microsoft to announce which standards it will support, and prohibit Microsoft from claiming compliance with any standard that is not supported. These adopted standards must be listed on the internet for open reference without registration, or prior consent from Microsoft.

Microsoft must be prohibited from ''extending'' any supported standard by adding features not present in the standard. It is not necessary to require Microsoft (or any competitor) to adopt any standard, or to fully support all features of the standard. For many uses, partial support is sufficient. The key to preventing unfair competition is to ban Microsoft from breaking programs which do comply with standards.

Item 3.

In light of the fact that the present case originated in Microsoft's failure to comply with an existing consent decree, DOJ should establish a schedule of severe financial penalties for violations. Otherwise, Microsoft might well find it advantagous to cause competitors to ''spin their wheels'' by publishing false, incomplete, or misleading information. Violations should be considered to begin with the publication of any information which is subsequently found to be false, incomplete or misleading. The longer the violation period, the greater the penalty. The violation is proved by the use of a non-published file format or the perversion of an adopted standard in any Microsoft product.

The use of these methods of encouraging competition have a number of advantages:

1. They are essentially free of financial costs, both to Microsoft and the Government. Microsoft already has to document it's file formats for it's own use, and almost certainly on-line. Publishing the same documentation on the internet is almost zero—cost.

There is no cost (indeed a saving) in NOT perverting the implementation of a standard.

DOJ could accept being a digitally-signed copy of each such publication, transmitted at the time of publication to a DOJ computer. The digitial signature should be considered binding for purposes of determining perjury.

2. Enforcement may be simplified. It seems likely that competitors will closely monitor Microsoft's publication of file formats and standards announcements, and compare closely what Microsoft programs actually do. In both cases, compliance is only a matter of determining facts which can be recognized by any competent person.

DOJ could maintain a web site devoted to receiving documented complaints. DOJ might consult commerical and non-commerical competitors to establish a structure for entering complaint information in a way that DOJ finds useful in summarizing observations into facts.

Eugene D Regad
nachost@adelphia.net
854 Riverview Drive
Morgantown, WV 26505
304–599–2889

MTC–00017195

From: chiron@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

To whom it may concern:

I do not agree with, or support the proposed settlement procedures in regards to the Microsoft Antitrust Settlement Trial. Microsoft has blatantly and callousy engaged in a business plan which intentionally—without remorse—violates current Antitrust laws.

The punishment applied to Microsoft needs to be FAR more severe than what is currently being proposed.

Thank you.

Rev. Christopher B. Garcia

MTC–00017196

From: Andre Vrignaud
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Just a short note to say that I think the proposed settlement with Microsoft is a travesty—don't let them get away with dominating the future as much as they have the past.

AV

Andre Vrignaud √ andre@ozymandias.com

MTC–00017197

From: Rob La Raus
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to express my dissatisfaction with the proposed settlement between Microsoft Corporation and the United States Department of Justice; I do not think the settlement is just. The fact of the matter is that Microsoft has been charged with bundling applications with it's ubiquitous operating system to improperly leverage that software's market dominance.

They do the exact same thing again with Windows 2000 and Windows XP that they did in Windows 98 that got them sued in the first place, displaying such disregard for the law that they continued disputed practices AS they were being found actionable. The proposed settlement is a slap on the wrist and will only serve to intensify an already gross corporate arrogance. I encourage you to consider a settlement with much more likelihood to have real consequences on Microsoft's competition-inhibiting behavior.

Thank you very much for your work on this matter,

Rob La Raus
IT Specialist
OHSU Foundation, Portland, OR
Rolaraus@hotmail.com

MTC–00017198

From: Martin Gelfand
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I am grateful for this chance to express my opinion concerning the Proposed Final Judgement in US vs Microsoft.

Let me put it plainly: I believe the proposed remedies are entirely inadequate, and need to be thoroughly reconsidered in order to effectively prevent Microsoft from using anticompetitive tactics to retard the development and application of Open Source software.

An lengthy discussion of the PFJ from this point of view has already been provided to your office by Dan Kegel, and is available on the WWW at http://www.kegel.com/remedy/

remedy2.html . Let me focus on just one item.

At work (I am an Associate Professor at Physics, at Colorado State University) and home I run GNU/Linux operating systems on my computers. A real annoyance I have to deal with on a regular basis is being sent or referred to Word, Excel, and Powerpoint files, which in many cases cannot be nicely interpreted using the software available on my computers. Much of the monopoly power associated with Microsoft lies not in its control of operating systems but in its control of the Office suite. The undocumented file formats associated with Office are a major Applications Barrier to Entry (as discussed in the Findings of Fact) and, in the absence of any guaranteed way to run Microsoft Office natively on a GNU/Linux system (WINE may work at some point in time, but there is nothing in the PFJ to stop Microsoft from working against WINE's success by various technical and legal means) there are considerable barriers to introduce GNU/Linux systems into office environments which have chosen to standardize on Microsoft's Office suite.

Requiring Microsoft to fully document the file formats associated with Office, which will allow Open Source office suite developers to more readily generate effective input/output filters for Microsoft document formats, ought to be part of any remedy for its illegal anticompetitive practices.

Sincerely,
Martin Gelfand
Department of Physics
Colorado State University
Fort Collins, CO 80523–1875

MTC–00017199

From: Ed.Dale@ey.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

If Microsoft has a monopoly on the Intel PC OS market, and they have abused that monopoly power, then the remedy as submitted is insufficient to curb their behavior. I find it offensive that the government, having found that a monopoly exists and that Microsoft has abused their monopoly position , is satisfied with a slap on the wrist for this firm. They have shown an inability to curb their behavior in the past and no intention of curbing their behavior in the future. This settlement should be rejected.

Thank you,
Ed
Ed Dale
Ernst & Young Center for Business Knowledge
1200 Skylight Office Tower
1660 West Second Street Cleveland, Ohio 44113
Work Phone: 216–583–1116
Fax: 216–622–0199

MTC–00017200

From: larry@smith-house.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

The proposed settlement is no punishment, and no restraint whatsoever on future abuses. It is unacceptable. Microsoft is the most arrogant corporation ever prosecuted for anti-trust actions, it must be made an example or the anti-trust laws might as well be tossed in the dumpster. regards, —

Wild Open Source Inc.
Making the bazaar just a little more commonplace.''
home: www.smith-house.org
work: www.wildopensource.com

MTC–00017201

From: root@uvamann.uvamann@inetgw
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

No (healthy) competion leads to a decay of any society.

It will encourage bribery and other criminal activity. Besides , that much power in a single company will lead the USA to a political situation which will work against the USA in the future.

If you break up that company now ... people around the world will benifit from that breakup.

regs
HGM Duijker

MTC–00017202

From: Jonathan C. Detert
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to make known my concern with the ''Proposed Final Judgement''.

I don't think the settlement is just, and I don't think it will make any useful change. In my opinion, it amounts to a warning rather than a disciplinary action or a retribution. I.e. ''if you do illegal monopolization things again, you'll be in trouble''. They did those things, why are they not in trouble now?

The fact that I can't buy an intel-based computer without a MicroSoft Wiindows o.s. installed makes me blood boil. Why must I subsidize MicroSoft when I have no intent of using it's operating system or other software on my computer?

MicroSoft's practices are NOT in my best interest. If I want to buy an Intel based computer, I am forced to subsidize MicroSoft. Why?

Happy Landings,
Jon Detert
Unix System Administrator, Milwaukee School of Engineering
1025 N. Broadway, Milwaukee, Wisconsin 53202

MTC–00017203

From: Geoffrey Plitt
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I think it's a horrible idea.
-Geoffrey Plitt

MTC–00017204

From: Curt Sahakian
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/23/02 12:58pm
Subject: the proposed Microsoft Settlement Rewards Microsoft instead of punishes it.

Gentlemen,

Please see the attached article that explains how the proposed Microsoft Settlement Rewards Microsoft instead of punishes it.

You have been snookered. Shame on you if you understand this. Shame on you if you don't.

Curt Sahakian

At 1/23/02 12:15 PM, OpenSource@bdcimail.com wrote:
RUSSELL PAVLICEK: ''The Open Source''
InfoWorld.com
Wednesday, January 23, 2002
REWARDING PUNISHMENT
Posted January 18, 2002 01:01 PM Pacific Time

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is

convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

Would our schools be better off with open source? Let me know at pavlicek@linuxprofessionalsolutions.com, or sign on to my forum at InfoWorld.com.

MTC–00017205

From: Khouri Giordano
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement is bad idea

MTC–00017206

From: Rick Romero
To: Microsoft ATR
Date: 1/23/02 12:57pm

To whom it may concern,

I would like to comment on the propsed settlement in general, and how it relates to Microsoft's monopoly status. In my opinion, some monopolies are perfectly tolerable. Those such as Power Companies and Water Companies, where ''laying proprietary groundwork'' would be too burdonsome to the community to necessitate competition. Imagine competition in Water or Power, each company with it's own lines. In that form, monopolies can be a good thing.

When it comes to Microsoft and technology in general, this groundwork can be reused, and competition can flourish. Microsoft has been found, in prior cases, to have tampered with that groundwork in order to pursue, and/or maintian it's monopoly status. Perhaps the largest example is the Caldera case. Microsoft was accused of purposely ensuring that Microsoft Windows would not run on DR-DOS. At that time, Microsoft Windows was simply a DOS application. Any DOS application would run on any flavor of DOS, be it MS-DOS, IBM-DOS, or DR-DOS. Except in the case of Microsoft Windows, where the application would specifically check the MAKER of the installed DOS, and run based on that alone.

What has happened now, is that Microsoft has extened it's Microsoft Windows application into an OS. Now that Microsoft own the OS itself, it has ensured that Microsoft Windows applications will not run on any other Operating System. This has severely hampered the OS market, because applications must be written twice, or only one platform is chosen. It's obvious that Microsoft Windows would be the OS of choice, because of it's large installed base.

I feel that the proposed settlement must address this issue, for it is the root cause of Microsoft's monopoly, and the method by which this monopoly is abused. Specifically, the Win32 API (API = The ''language'' a program talks to the OS in.) should be allowed in competing Operating System's, without undue license restrictions. WINE is a good example of an attempt to bring that API to Linux. Odin is WINE's counterpart for OS/2. Both of these OS's are competing with Microsoft Windows, and the availability of an alternative Operating System for the average user, would be greatly enhanced if Microsoft were to disclose much of that information to those competitors. I feel the proposed remedy doesn't touch on application compatibility as it should, to allow for competition in the marketplace on the desktop level.

Thank you for your time.

Rick Romero
IT Managerph: 262.685.4841
Valeo, Inc.fax: 262.695.4850
rick@valeoinc.com

MTC–00017207

From: Andy Pfiffer
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

0) The definition of Windows Operating System Product appears to be whatever Microsoft wishes it to be.

1) The Proposed Final Judgement (''PFJ'') doesn't take into account Windows-compatible competing operating systems.

2) The PFJ contains misleading and overly narrow definitions and Provisions.

3) The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft.

4) The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft.

5) The PFJ fails to prohibit anticompetitive practices towards OEMs.

6) The PFJ as currently written appears to lack an effective enforcement mechanism.

Please register my opposition to the Proposed Final Judgement.

Thank you for your time.

Andrew Pfiffer
Citizen, United States of America
19745 SW Page Court
Aloha, OR 97007

MTC–00017208

From: Tom Jones
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft settlement

I am a computational biologist at Washington University in St. Louis Medical School. I am in favor of ruling as strongly as possible —against— Microsoft in the current case.

Microsoft is clearly an abusive monopoly, or near-monopoly. If Microsoft is not reined in, it will continue to swing its weight around, taking all it can for itself like an arrogant, champion weighlifter in a 2nd grade lunch line.

If you do not draw lines, and demonstrate that unacceptable behavior has real consequences, then you have given every megacorporation a pass that says:

** Do Whatever You Like **

As two trivial examples of how Microsoft continues to exploit their position in the market to shut out competition, even in the face of the ongoing DoJ trial:

(1) Microsoft blocked ''independent'' web browsers (Opera, Mozilla) from accessing their MSN site, demanding that users download Internet Explorer to view the web site. (Oct, 2001)

Ref:

http://news.com.com/2100–1023–274980.html?legacy=cnet&tag=tp—pr

(2) Microsoft's April ''01 deal with Qwest will move current qwest.net ISP customers over to MSN. After the transition, Netscape mail will no longer function for these customers!

''MSN e-mail is not compatible with the Netscape e-mail client''

—from: www.qwest.net/nav4/msn/faq.html#services Further, the correspondence sent to qwest.net customers leads the customer to believe that they must use a Microsoft email client after the move to MSN. Anecdotal evidence suggests that persistent tech support calls may provide non-trivial solution that allows use of a non-MS email client.

Ref:

i) http://slashdot.org/article.pl'sid=01/10/17/143230&mode=thread

ii) personal communication with a qwest.net customer in Oregon This is only the tip of the iceberg of Microsoft's insulting, galling, arrogant, monopolistic behavior that they continue to engage in. If you crumple, and you only give Microsoft a light slap on the wrist, you are smashing a bottle of champagne over the prow of a new era of American monopolistic greed.

Punish Microsoft!

Sincerely,

Thomas A. Jones
tajones@genetics.wustl.edu
Washington University Medical School
Genetics Department
314–747–8207

MTC–00017209

From: Tod Harter
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Dear Sirs:

I beg you to consider the following arguments in favor of more drastic action in regards to settling the current litigation against Microsoft. As a highly experienced software engineer, IT professional, and entrepreneur the proposed remedies are entirely inadequate.

Any engineering group, in this context Microsoft's various application development teams working on Microsoft products, gain a very substantial advantage from having a special working relationship with the developers of the underlying system software. While the proposed remedy attempts to mitigate this advantage it is only common sense that the best possible result one could hope from these remedies would be that 3rd party developers would achieve parity with Microsoft's internal developers. In fact this result is not particularly likely. The greatest source of these advantages is not in having access to priviledged information. It is in fact the working relationship which exists between these two groups. Microsoft's developers would continue to have an intimate working knowledge of the processes, procedures, persons, and techniques characteristic of the operating system development teams. Many of these people

have worked closely together for many years. Any MS product development team would be bound to continue to maintain these lines of communication and understandings with their collegues in operating system development. The result is that Microsoft would continue to gain a very substantial advantage for its own developers. They would know who to talk to, what questions to ask, how to request new features, and where to go for problem resolution. How will anyone else compete against them? Given that Microsoft has a virtually complete monopoly on desktop operating systems the result of the currently proposed remedies under these conditions amounts to allowing Microsoft to continue to leverage its monopoly into other markets. This process could have extremely dire results for the future of the entire IT industry, and more broadly for the entire economy as a whole.

Consider the following likely scenario:

Microsoft continues to dominate the dosktop OS market (virtually a given). They furthermore continue to integrate their server and desktop OS products ever more tightly (a trend in the industry regardless of any monopoly situation). Given the proprietary nature of these integration technologies and protocols no other server OS vendor will be able to provide the same level of integration. This integration is a high value-add. Thus Microsoft will continue its pattern of growing dominance of the server OS market. Once a critical mass of the server market relies entirely on MS's software there will be NO incentive (indeed a huge disinsentive) for MS to deploy client/server technologies which are non-proprietary and available for use by non-microsoft products. Essentially MS will own both ends of the network and will be in a position to dictate how, when, where, and at what cost these technologies are deployed and used. It is highly likely that most business process and indeed most communications technology will eventually be based on these techniques. Is it really wise to construct a public policy which eventually leads to the complete domination by one private entity of all of society's communications and IT infrastructure? Personally I can hardly imagine a more foolhardy and unwise policy, either as a business person or as a citizen of this country.

Respectfully
Tod G. Harter
Chief Technology Officer
Aptus Ventures, LLC

MTC–00017210

From: Read, Danny
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

Summary: I am against this settlement.

The current settlement fails to restrict Microsoft from capitalizing on its monopoly in the operating systems arena. Competitors face an anti-competetive environment as Microsoft continues to leverage its OS monopoly to restrict access to application development, to give software away in an attempt to price customers out of the market and to pursue restrictive licensing agreements. Please do not allow this mild slap of the hand to masquerade as justice for what the court has already found to be anti-competitive practices.

Thank you,
Danny Read

MTC–00017211

From: nuresejane@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

As planet earth and technology are no longer local but global may I suggest the strong American company Microsoft be lifted from past constraints. This would allow this company in our great nation to continue to provide their capabilities through out the world be it in technology itself or in its various assists to underdeveloped nations.

Thank you

MTC–00017212

From: joelunchbucket@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think that Microsoft must be stopped and that the only way it can be done is for the government to break them up fine them very heavily and make them open up all their programming API so that everyone can partake in technology for America.

MTC–00017213

From: judithregan2000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think the settlement with Microsoft is fair. It s time to get on with things rather than take this further.

Just because one company is more successful than another is no reason to penalize them.

MTC–00017215

From: k@nh.ultranet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Have never owned Microsoft stock. I feel what the government did to that company was an abomination. One only has to look at what happened to the best telephone system in the world when they broke up AT&T. That is progress? Have you ever tried to make a call at an airport? Simply from the security aspects for our country it would have been best left alone. If it ain t broke don t fix it. Or better I m from the Government and I m here to help you . Save us from the do-gooders .

MTC–00017216

From: eagassoc@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Dear Ms. Hesse

The sooner this Microsoft case gets resolved the better it will be for American business and the public. Please help the economy move on. \The economy is fragile enough at this time without being held hostage to the judicial system.

Thank you.

MTC–00017217

From: Malcolm Fox
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft DOJ Settlement January 23, 2002 Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Ms. Hesse, I am opposed to the proposed DOJ / Microsoft remedy. As a manager of a small municipal water system I am responsible for a variety of computer hardware and software systems that are used to supply water to our customers. Some of these software applications are non-Microsoft middle-ware products. I am concerned about the future viability of the companies that produce this software if Microsoft continues its anticompetitive behavior that it has exhibited. I am also concerned about future file format compatibility issues.

The settlement that the US Department of Justice reached with Microsoft will do little, if anything to remedy the many behaviors that Microsoft has been found guilty of engaging in. The oversight committee that was to be formed is too small to be effective. This group also needed sufficient resources to properly monitor and control illegal practices in a timely manner. I urge the Court to seek a settlement that would provide benefit to software customers and the public.

Thank you for your consideration.
Sincerely,
Malcolm Fox II
Mt. Pleasant, MI.

MTC–00017218

From: wrljr2@earthlink.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Very simply stated this settlement serves both the industry overall the economy and the public that has reaped the benefits of a technology developed in the true Free American tradition.

MTC–00017219

From: sixkidsb@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Please get this case resolved. It has gone on too long and is wasting taxpayers money. Our economy is suffering and getting this case settled would give it a boot up. Thank you.

MTC–00017220

From: Ted Oliver
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am a US citizen who is very concerned that the proposed DOJ settlment of the Microsoft Antitrust trial will not have any positive impact on redressing the wrongs Microsoft was convicted of. Microsoft has shown their contempt for past consent decrees, so I don't see why the new one will be any different. Additionally, at this point in time, despite their proven illegal acts, Microsoft still holds the market ''rewards'' they accomplished via those illegal acts. I do not see how the proposed settlement will

help restore competition in the crucial areas of desktop operating systems and office applications. At this point, I feel there needs to be an effort to *restore* competitive balance, not to let Microsoft continue forward without any credible competition.

Thank you for your time,
System Administrator
Center for Desert Archaeology
http://www.cdarc.org
Database Manager
Desert Archaeology Inc.
ted@cdarc.org/ted@desert.com

MTC–00017221

From: nsxjb@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I fewel government is too involved in our lives. Where attention is needed is is lacking like controlling terrorists in this country. Microsaoft is a business and should be allowed to operate as such. What about a free enterprise system and competition? Why are public utilities allowed to operate as they do?

Microsoft has excellent products and I haven t found anything worth changing too. They should be allowed to motor along at their own pace without the interruption and input of our fine government.

MTC–00017222

From: lori_aulds@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I believe a settlement would serve the best good of the economy the public and the technology industry. This case has been a waste of tax payer money and has gone on too long. We need to let Microsoft get back to business and continue producing excellent software.

MTC–00017223

From: larry.james@crbusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I am personally thankful the Microsoft antitrust case has come to a satisfactory end. Microsoft has achieved an enviable position in the software industry based on quality products that have dramatically improved the quality and accessibility of modern computer technology to the public. I believe the antitrust case was fueled by parties resentful of Microsoft s success in the market. With little to offer in the way of innovation these parties sought to use the judicial force of the US government to achieve what they could not achieve through the free-market economy. As an employee in the U.S. biotechnology industry I look upon the legal precedents set in other high tech industries as a model for potential biotech industry regulations. For the US to maintain its strength in technology three requirements must be met: 1.

Protection of intellectual property 2. A free market economy 3. A supportive rather than antagonistic federal government. I believe the settlement in the Microsoft case is fair and reasonable. Had the ruling been otherwise I fear that each of these requirements would be forever compromised and we would be witnessing the beginning of the decline in US technology leadership.

MTC–00017224

From: onrobb@brightok.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I believe that the Nov 3rd settlement with Microsoft is fair and reasonable and will be in the best interest of all concerned.

MTC–00017225

From: Timothy J. Wood
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I would like to comment on the proposed Microsoft settlement, under the Tunney Act. The PFJ does not contain broad enough restrictions on Microsoft. Under this proposal, Microsoft will continue to exert monopoly power in the PC market and will use the monopoly power to gain monopolies in handheld computers (WinCE/PocketPC) home entertainment systems (X-Box), server computing (.NET) as well as other markets.

Since Microsoft has monopoly power, they should be required to expose their programming APIs, programming languages, file formats, and network protocols to use by any possible competition. The requirements need to be clear and broad to avoid having Microsoft hide behind some loophole.

The current proposal does not offer these restrictions and thus is not sufficient to dissuade Microsoft from continuing its practice of anticompetitive behavior. This proposal is not in the public interest.

-tim

MTC–00017226

From: bevtal@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

The government NEVER should have gone after Microsoft in the first place a travesty of justice that we believe was instigated by Clinton at the behest of his campaign contributors who were Microsoft s competitors. The war against Microsoft certainly hasn t helped consumers or investors and it started the market and economy downturn. Far better had the government gone after criminal activities and accounting malpractices in the ENRON debacle. The Microsoft settlement was fair. Let the settlement stand and put an end to this madness.

MTC–00017227

From: fwsherman@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I hope that this will end this witch hunt. In my opinion Microsoft has been unfairly trampled upon. It is fortunate that we have an Attorney General who has the clear vision to right a most terrible wrong which has been handed to Microsoft in the interests of politics.

MTC–00017228

From: lrinaz@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft was the company who has been in the forefront of the industry. There were no rules due to the newness of the industry. It it a shame that the competitors who followed were allowed to use the government to compete with this company instead of using American ingenuity. Free Enterprise isn t so free these days. It s time to settle this case. I believe if the competitors had the knowledge and creative minds Mr Gates does they would be able to draw the comsumer to them. It is time to let the open market deceide which company is their choice. There has been enough tax dollars spent on case that should never have come about in the first place.

Thank you
Lynn Russ

MTC–00017229

From: paul-henry.hyppolite@sandvik.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think the justice department should take a harder line with Microsoft

MTC–00017230

From: sebolt@cybolt.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Can t we all just get along?

MTC–00017231

From: Leonard Hoffnung
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to give my comments on the Microsoft antitrust settlement. I believe that this settlement is counter to the interests of the American public, deleterious to the American economy, and inadequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Leonard Hoffnung
1608 University Ct A-212
Lexington, KY 40503

MTC–00017232

From: MCGPatty@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Dear Sir or Madam: While I appreciate the fine work of our DOJ and can only imagine how difficult it must be a times I do believe that your efforts in the MICROSOFT case were mis-directed. I m old enough to remember when the first home and small office computers were made available...and how impossible is seemed to be to purchase software that would work properly with the system installed on the computer. After a while the concerted call from most consumers was why don t they make a common language that is recognizable by all (or most) computers or why can these software packages be easier to install and use. Well MICROSOFT listened...as any vendor or company intent on profitability would listen. Over time they developed the common system and the easy to install software that we now take for granted. I work for a small business I know what research and development costs are all about...MICROSOFT led the way to this common base of understanding...probably spending some big bucks to do so...and left everyone else in the dust. How do I see it? I see a lot of disgruntled tech-heads who felt that the field would never accept the MICROSOFT way...and continued on their blind path to obsolence. And then when it became apparent even to them that no one wanted their unique systems...they cried foul and looked to the government for help. Let me ask them this...who helped the mom & pop drug stores when the big chain drug stores hit the street? Now you ve got Walgreens and Osco and many others of that size all catering to our pharmacuetical needs...for less money than the smaller drug stores could ever imagine...but no one is helping them.

Leav

MTC–00017233

From: vince.arcaro@swgas.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This in no way reflects the opinions of Soutwest Gas Corporation. This is my personal opinion: GET OVER IT! I may not agree with how Microsoft was started or survives without them we would still be in the dark ages of computing. If Microsoft gives consumers bits and pieces of scaled down applications good for us. This should spur on complaining companies to strive to make a more robust product to sell us as a third party vendor. Also the government wouldn t have wasted its time and money if Microsoft didn t have such deep pockets! I deal with several different software companies and I don t hear any Microsoft employees complaining about the way they are treated either!

MTC–00017234

From: counterprt@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe that the Federal suit against Microsoft is completely unfounded. I consider MSFT to be a strategic American resource that is being needlessly enfeebled by the protracted legal challenges being brought against it. The current settlement offer should be quickly approved so that Microsoft can re-focus on retaining American dominance in its commercial sector.

MTC–00017235

From: SMichelle
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am very concerned that the currently proposed Microsoft settlement will not ensure a competitive marketplace. I am especially concerned with developments in the next phase of internet services in the form of proprietary protocols used in .Net—without open communication standards and authentication protocols, internet services will be de facto ''owned.''

Regards,
/Sharon Lake

MTC–00017236

From: fred@ncpharmacists.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle the microsoft case.

MTC–00017237

From: lceola@atstrans.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the government should let Microsoft continue to create inovastive software. Why should they be penalized if the competition cant keep up or do as well. I know if Microsoft continues to bring to my business software designed to integrate with one another I will be much better because of it.

MTC–00017238

From: markow@execpc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The Gov. had no business even going after Microsoft. They should stick to the business that they are supposed to be doing & not going after businesses!

MTC–00017239

From: dwilliams@admgt.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This case should be settle as you have proposed. It has cost way too much tiem and money already. Those that are trying to prolong it are doing it for their on personal agrandizment and not for the benefit of users as a whole.

MTC–00017240

From: David Petersen
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am writing in regard to the public comment period on the proposed Microsfot antitrust settlement.

After reviewing the proposed settlement, I feel that it is inadequate in punishing Microsoft for past actions and in fostering a more competitive environment. The proposed settlement should be rejected and more consideration should be given to the findings and rulings of the Circuit Court and lower courts.

David Petersen
Senior Systems Administrator
SME Hosting, NTT/Verio

MTC–00017241

From: dkmck@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft has revolutionized the computer industry and but not for MS DOS we wouldn t be doing this. Integrated programs make things easier for the user. The suit should never have been brought in the first place but let s settle this without splitting Microsoft. If the settlement is the best the government has to offer let s do it.

MTC–00017242

From: guru242@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I feel that the states are trying to prolong this case. I feel that the remidies recommended by the US Department of Justice are fair and should be adopted by the remaining plantifs.

MTC–00017243

From: daniel@finalfrontiers.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

As the CEO of an OEM system builder and compter service company we rely on Microsoft software and support anything that hurts Microsoft also hurts us. Microsoft has always been open generous with us and has never penalized us for using other operating systems such as Linux and FreeBSD. We also use Microsoft software because of it s high reliability and low cost. I think I speak for most of the tech world when I say let s get this finished so we can all get back to work. This is hurting all of the tech industry not just Microsoft it also hurts the tax payers as well.

Daniel Nelms
CEO BeThere Inc.

MTC–00017244

From: winnie.anthony@valley.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

As MICROSOFT goes so goes the NASDAQ and hence the Big Board and the whole economy. If government would get out of trying to control free enterprise and innovation especially with technology this country could move forward once again. I would like to see the judge throw out these latest appeals by visibility-seeking attorneys general. They are all on their private power-plays. She should acknowledge that a settlement has been reached with the DOJ and simply rule that it will stand. She could note that the settlement has not had a chance to be proven right and she was ruling to give it that chance now.

Winifred Anthony Stearns

MTC–00017245

From: dkelliher@carterprinting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

First let me say that from where I sit apparently some infractions were committed by MS with respect to fair trade practices. MS should be slapped down for that. Second if not for the aggressive practices of MS we would not now have the choices of programs from other software companies. They were spurned on by the might of MS and not put out of business. Competion is important on all endeavors of commerce. I feel that the courts have gone far enough with regards to the current case. The States must back off and look elswhere for sources of income and not from MS. I have no stock or holdings in MS.

Dan Kelliher

PS...I do think the quicker this is properly resolved the sooner the econemy will recover. You can almost say that our decline in the econemy started when the federal and state brought suite!

MTC–00017246

From: calexander1@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is time to settle and get on with business I expect that the government went after Microsoft because they didn t give a lot of big contriubutions to Washington politions get off their case.

MTC–00017247

From: Alan Oursland
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea.

Sincerely,
Alan Oursland
1750 TImber Ridge Rd #114
Austin, TX 78741

MTC–00017248

From: null at spack.org
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am writing this as a technically aware consumer opposed the proposed settlement with Microsoft. Having read the settlement, I see numerous problems.

—as was the case with the 1994 consent decree, the ''products'' and terms are defined so specifically that Microsoft could easily change a product name, or in the case of IE change it's versioning schema, and completely and totally bypass any restrictions this settlement seeks to enforce.

—the requirements for Microsoft's release of documentation is entirely in favor of Microsoft. Should they choose to make a change to the documentation days before the deadline for release to ISV's, they can then exclude any ISV that doesn't meet the new requirements. How is that helpful to ISV's? Microsoft has shown in the past (see Caldera vs Microsoft) that they will ''hobble'' or otherwise change their product to ''break'' a competing ISV's product.

—Microsoft's new licensing agreements with Enterprise customers require them to

A) pay a yearly license fee for all of their desktops, running Windows or not, or

B) agree that in exchange for discounts on selected products, they will not use, or even test, *any* competing products. This is especially harmful for businesses that are outgrowing Microsoft's SQL Server product.

Or,

C) pay full price for every desktop, running windows or not, when they choose to upgrade. There is no longer upgrade pricing separate from this ''New and Improved'' licensing program from Microsoft. In the interest of brevity, I will stop here. I could easily go on for several more pages, however. The main problem I have with the proposed settlement is that, again, Microsoft has managed to skew language to their benefit, get sections watered down for their benefit, and otherwise change the settlement for the purpose of expanding their monopoly into areas not specifically covered by the agreement.

Thank you for your time,
Joel C. Sadler
303.568.0899
joel sadler—null@spack.org—gpg keyid: 0x3736B612

MTC—00017249

From: woolfolk@outerbounds.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the settlement purposed is fair and equaliable. The parties should expedite the settlement to decrease further spending on this matter. The dollars spent thus far exceed what is reasonable and it is time to put this matter to rest and move on.

MTC–00017250

From: daslowpoke@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Let s get this settlement deal done. You ve wasted enough of my tax money killing the American Dream already!

MTC–00017251

From: mcgranew@krause.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is in the best interest of my business to invoke the settlement of November 3 2000.

MTC–00017252

From: Nick mckinney
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I have some comments regarding the proposed Microsoft settlement that I would like to share. In paragraphs D and E under Prohibited Conduct, the settlement states that Microsoft must make available ''the APIs and related Documentation'' and ''Communications Protocols''. This is good, but, if I'm reading it correctly, paragraph I (the paragraph about the licensing terms) leaves out one very important group: the open source programmers. The settlement in no way guarantees that any intellectual property licensed from Microsoft can be included in any open source software. Two things prevent this. One is allowing Microsoft to collect a royalty for use of its intellectual property.

The other is that ''an ISV's, IHV's, IAP's, ICP's, or OEM's right may be conditioned on its not assigning, transferring or sublicensing its rights under any license granted under this provision''. The very nature of open source software requires the source code written to be made publicly available, but this might qualify as transferring the IP license to anyone who receives the source code.

I have no problem with Microsoft collecting a royalty if the end product that uses Microsoft's IP is sold for a profit. However, if all of the IP is licensed to organizations or people who are able to abide by the proposed licensing requirements, it leaves open source software with no way to interoperate with Microsoft's products, which is the whole point of requiring that Microsoft license its IP. If Microsoft is allowed to remain a controlled monopoly, then any organization that wishes to compete on equal ground with Microsoft must be able to write software that interoperates with Microsoft's software. I think all programmers, including open source programmers, should be guaranteed the ability to compete with Microsoft on equal ground.

Nick McKinney

MTC–00017253

From: vip—quilter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

THE GOVERNMENT SHOULD STOP SPENDING TAYPAYER MONEY IN IT S PURSUIT OF MICROSOFT. THIS IS A FREE ENTERPRISE SYSTEM IN OUR COUNTRY & MICROSOFT S SUCCESS SHOWS IT WORKS WITHOUT GOVERNMENT INTERVENTION. JUST LEAVE BUSINESS ALONE.

MTC–00017254

From: kmbrink@regence.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

While I haven t read all of the documents exhaustively my position as Lead Server Engineer for our Utah plan has given me ample opportunities through the years to see and feel the strong-arm tactics that many companies and individuals have talked and written about. I feel that even more punitive measures should be in place in order to stop them from getting a monopoly in many different areas in the computer arena.

It s difficult to say how best to accomplish this but experience has shown us that Microsoft s business tactics certainly need some constraint. As the competition dwindles we will be ever more at their mercy.

MTC–00017255

From: pinsonfamily@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please stop the prosecution and the persecution of Microsoft! Especially since 9/11 America needs for our businesses to succeed and not continue to be subjected to the predations of the Clinton years.

Further moves against this American success story will only serve to choke an economic engine that we all need to function. Stop the madness!

MTC–00017256

From: cddorsett@puetzamc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Ms. Hesse

I strongly urge the Federal Government to accept the agreement with Microsoft. It is in the best interest of the DOJ and the nation to bring an end to this situation. We ve spent enough taxpayers money on this and there is no good reason to spend more. The longer this case drags on the negative impact on the national economy will increase. It is time to stop.

Charles Dorsett

MTC–00017257

From: jcoyle@capecod.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I have been a computer user for a long pereiod of time and feel that Microsoft have provided me one of the largest bargins I have ever had from any other provider.I also believe that when the Clinton administration started the court action my 401k went south and has not yet returned.Please leave them alone and let us all benifit from their brain power !

MTC–00017258

From: pjallen@triad.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

The lawsuit against Micosoft was totally without merit. It only protected companies that make inferior products and did nothing but cost the tax payers money. The settlement is fine.

MTC–00017259

From: Brett Carter
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft to be completely unsatisfactory. The proposed settlement still leaves Microsoft with too many ways to have an unfair advantage in the marketplace. I believe nothing less than splitting up the company into different businesses will suffice.

Brett Carter

MTC–00017260

From: jerry@amusement consulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Why perpetuate the endless process that allows government to intervene in the private sector. While anti-trust protection is important we must look at overall benefit Microsoft has provided to the USA economy over the past decade. Who else has demonstrated leadership in this technology beside Microsoft? Others have meager Research and Development budgets and have fallen to the superior product developed through intense R & D efforts. Why should anyone else continue to reap benefit (settlements) from Microsoft? Has the general public complained and refused to purchase Microsoft products? What would the final effect be on the USA citizens if the Government Agencies pursuing this issue forced Microsoft into ineffective management structure or even out of business? At some point the letter of the law must be compromised to ensure the effective tools are available that fuel the small-business engine as it concerns the overall economy. Large mainframe computers and their technology do not drive the economy today the way it might have when laws were written. Let it go and perhaps Microsoft will have enough financial resources to continue to provide the tools we all need. It would be a travesty of justice if state governments realized financial gain from this process.

MTC–00017262

From: Jim Potter
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

We feel that the proposed Microsoft Settlement is inappropriate. Please set it aside and either (a) prosecute the case, or (b) develop a settlement that will not further entrench the monopoly.

Sincerely,
Jim Potter
45th Parallel Processing
(503) 769–9138
jrp@wvi.com

Those that would give up a necessary freedom for temporary safety deserve neither freedom nor safety.

Ben Franklin

MTC–00017263

From: Tekakwitha.Conference@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I agree with the statements that have been given/presented.

MTC–00017264

From: petec@aquascience.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is important to concentrate on curbing antitrust behavior rather than persuing punitive settlements.

MTC–00017266

From: verell@rahab.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Why the big fuss about Microsoft s so-called monopoly? Why not prosecute those companies that are tying up U.S. food companies into mega-monopolies—i.e. Cargill WalMart Phillip Morris Tyson-Smithfield (including IBP) ADM Nestle s ties into U.S. companies etc. These are the people who are sacking the consumer! Please use taxpayer resources for protecting the taxpayers—not for protecting your friends in big businesses

Oracle Netscape Sun Micro et al.

MTC–00017267

From: Dean Lythgoe
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

Consumer Input...

As a software engineer, I believe that Microsoft has acted only in their best interests. I understand their position and their argument. But their monopoly is obvious.

My input...

Please make sure that the monopoly practices are stopped. This can only happen with specific and general restrictions and penalties. There needs to be a system set up to investigate and resolve any further misdeeds. We are talking about Billions of dollars—so misdeeds will happen. There must be measures in place to handle this.

Thank you,
Dean Lythgoe

MTC–00017268

From: harryvanderburg@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Competition is something for the marketplace. Please leave the software industry alone and spend the millions on better subjects such as education and defense. A slowdown in IT technology developoments could have a dramatic impact on the world s economy.

MTC–00017269

From: Bkent0711@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It s appauling that Microsoft should even have to defend themselves in this frivolous display of Government Bureaucracy. Gates had more insight than the rest and should be rewarded justly for it. He built the system we all benefit from it everyday. It s called being a capitalist in an entrepreneurial society. You want to talk about anti-trust and monopoly take a look at the US postal service for God s sake. They are the worst run quasi-Government organization and have a monopoly on the delivery business yet are too bureaucratic to make a profit. The same customers (retail printers)that send them billions of dollars worth of postage every year they are now trying to unfairly compete with.

Their website offers direct mail fulfillment and printing. Talk about an area where the Government should focus time. Leave Microsoft and Gates alone and look behind your own doors first!!

MTC–00017270

From: lyllacarter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I fully support the settlement in this case. Enough already! Let s settle this and move on to more important matters.

MTC–00017271

From: dimbrogno@eshores.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I strongly disagree that Microsoft violted anti-trust regulations as they were originally structure. Microoft s actions actually aided consumers nd business by providing a universally recognized platform and standard in the computer world. Without it we would likely be faced with many incompatable programs with subtantial expense requried for conversion when transacting business with other companies.

The settlement goes beyond any needed redress and should either be reduced or at most let stand as is if acceptable to Microsoft.

MTC–00017272

From: kevin—ryan@ceiltd.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I think that the settlement did far too little to curb Microsoft s exploitation of its dominant market position. When the Mafia uses tactics like those MS uses it s called the protection racket or just plain extortion. If MS cared about maximizing techological development in PC software it would stop suppressing competition (especially by buying up competitive products only to cease all development) and embrace a competitive environment. The only reason that Windows has gone as far as it has is that MS has been able to consistently strong-arm PC manufacturers buyers just assume that whatever the manufacturers install is required for their PCs to work. If there is a next time do the job right:

Provide for the real possibility of competition in PC software instead of renewing MS s license to force manufacturers to install its OS (and only its OS). This sets the stage for PC maufacturers to agree to bundle MS s application packages because they run better under Windows than any others. Of course they run best—MS uses its inside knowledge of the OS to make sure that they do because they don t want competitors (which are necessary to maximize innovation) they want market share any way they can get it.

MTC–00017273

From: mikeschwitz@msfinancial.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Implementation of the settlemnt should take place as quickly and efficiently as possible. It serves no purpose to allow special interest groups to continue to ask for more and more from the settlement.

Microsft is at the top of the hill in its field That will not always be the case. I hope the next king of the hill attains that position by providing products that we the people buy not through litigation that atempts to destroy what has been built.

Sincerely
Michael Schwitz

MTC–00017274

From: Erin McClellan
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

the settlement is terrible. please if you have any love for your country listen to thosewho are attempting to make people realize what is really happening.

MTC–00017275

From: dlb@mail.uark.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I d believe the case against Microsoft should be settled now. It should never have been brought against the company. I am indebted to Microsoft for providing software that works. When I go to other brands of software I still face problems that I can t resolve as I m experiencing now with Symantec s Norton SystemWorks 2002.

MTC–00017276

From: Bart McPherson
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It will not stop their anticompetitive behavior.

Thank you,
Bart McPherson
Cleveland, Ohio

MTC–00017277

From: sburman1@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Unnecessary lawsuits against technology co. will decrease compettition in Hi.Tech. and consumers will pay higher prices. Additional lawsuits by states will benefit only lawyers.

MTC–00017278

From: rmjackso@gfherald.infi.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Settle and get on with letting to company do it s business. Time wasted is not helping any one.

MTC–00017279

From: Neal@Amideigroup.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I beleive Microsoft has been victimized for the last three years by sore-loser competitors(especially Sun and Oracle whose attorneys browbeat Justice into filing this meritless suit) by Federal prosecutors out to make a name for themselves and by state attorney generals seeking publicity by coattailing on the action.

Enough! The settlement reached in November is more than appropriate and should be concluded. Ridiculous amounts of taxpayer dollars and Microsoft shareholder resources have been wasted on this groundless action. It s time the Justice Department concentrated on some of the real monopolistic threats like airlines oil companies and media mergers instead of harassing a company that has done more to empower consumers and enhance our economy than any other in the last 50 years.

L. Neal Amidei

MTC–00017280

From: rlstout@aosi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe this was started by Bill Clinton at the request of his campaign contributor Netscape. It is illegal harassment of Microsoft and should be dropped immediately. Microsoft has every right to market their products as they see fit.The US Government should not get involved in the marketing practices of private companies.

MTC–00017281

From: jophus@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am not sure why the people are allowed to comment. This is a legal issue about which 99.99% of the people know absolutely nothing. However here are my thoughts. First Microsoft products drive me nuts. They screw up at the most inopportune times and I am stuck with them because everything runs on them. There service is lousy and expensive. In fact I don't think they want to deal with customers at all.

Therefore it would be nice to see them spanked. But this lawsuit makes no sense to me at all. I do not see why it was brought in the first place. The idea of breaking up the company was so incredibly stupid that Democrats had to be involved. Bill Gates pushed his business to the hilt just as I did before going out of business. I did not break any laws and I don't see where Gates did either. If the competing internet company was not based in Orrin Hatch's state this lawsuit may never have happened. End it with the least possible damage to Microsoft because no one else can keep us going. If the settlement can get them to be more careful and thorough before sending products to the market please do so. If you can get them to be more responsive to us users please do so. None of us gain if Microsoft gets hurt.

MTC–00017282

From: jhektner@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I endorse the MSFT settlement. The case should be closed and the settlement agreed to for the good of all of the U.S. It will help the economy and be a fair thing to do for all concerned.

MTC–00017283

From: jerichelsing@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I think that the opposition to the settlement is the work of competitors of Microsoft who are simply looking to gain any kind of advantage they can. Microsoft is a fine American company that should be permitted to innovate for the benefit of the consuming public. The public is in favor of this settlement and in favor of a new look at anti trust law so that truly creative companies can thrive and not be the subject of legal actions from their less innovative competitors.

MTC–00017284

From: jhektner@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is a reasonable compromise. We need Companies like Microsoft to maintain our technical leadership position in the world. Actions that damage that position are just plain self-serving and stupid.

MTC–00017285

From: bwebs@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Get it over with. Microsoft should not have been prosecuted in the first place

MTC–00017286

From: jeanne_k_curtiss@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I support Microsoft. The govt. should not be involved.

MTC–00017287

From: tdclark@therepublic.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle the case with Microsoft ASAP. There is nothing to be gained by further litigation except lining the pockets of the attorney. Too many tax dollars have been spent on this suit already. Microsoft's competitors would like to prolong the case to keep them from improving their own products. In our new global economy Microsoft provides the opportunity for America to lead the computer markets. Without Microsoft we would be using a Chinese operating System not Solaris.

MTC–00017288

From: ricklaurence@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am writing to express my hope that the Microsoft settlement be approved. I am a user of Microsoft Office and the Microsoft Windows Operating System and am relieved that the company will remain in one piece so that the integration of features found in these software programs may continue. Microsoft has an office near my home and they have shown a mindfulness to the community by providing free information meetings that help their customers develop computer skills. In addition Microsoft has provided free of charge resources that have helped the disabled to find employment. After the September 11 attacks Microsoft also provided about $10,000,000 worth of software and personnel to aid in mobilizing the recovery effort. I believe these evidences of civic responsibility should be remembered. I can be reached at my e-mail telephone and address listed above.

Sincerely
Maurice Laurence jr.

MTC–00017289

From: steve@sanguinettico.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The Department of Justice as well as other agency's of the federal government should get off the backs of business let business have some air without always suffocating business so that business can keep people working and put the unemployed to work. It appears that government will not give up until it breaks both the will of the people and drains there pocket books. The only thing that government believes is right and correct is when it extorts money from the citizens and passes more laws to eliminate the freedoms that the founders of this country came here to preserve.

MTC–00017290

From: recarter@interserv.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle this case with Microsoft ASAP. The sooner this case is settled our tax dollars can be used for other more important purposes. Thank you for your earliest action on this matter.

MTC–00017291

From: raokent@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

No one has ever forced me to purchase a Microsoft product. I have purchased them by choice. I do not believe that their products are overpriced. I agree that this case against Microsoft should be settled with no more litigation.

MTC–00017292

From: eMurphTheSurf@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the prior settlement between the U.S. (and other involved state governments) and Microsoft is fair and equitable and the whole affair needs closure. I agree that Microsoft should not have leveraged and embedded software and especially its own browser into its platform operating systems they were licensing and selling and those that came preloaded on new computers. CONSUMERS should have had full disclosure and opportunity to decide the use thereof accordingly. But I personally do not agree that the remedy for those receiving the settlement should be extended and I definitely have not seen anything personally yet that merits Microsoft being busted up or divided in anyway. Unless there is something new to report it is time to move on.

MTC–00017293

From: gccoor@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The American government assault on the successful American enterprise Microsoft represents to me an appalling and flagrant misuse of taxpayer funds. It is counterproductive in these weak economic times and is government at its worst. I demand that the DOJ cease immediately its assault on Microsoft and stop shaking down American businesses.

MTC–00017294

From: Pequipment@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

My family and I support the settlement reached November 3rd between MicroSoft and the Federal Government.

MTC–00017295

From: Charles Lewis
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: problems with Microsoft settlement

Please consider carefully Dan Kegel's ''Open Letter to DOJ Re: Microsoft Settlement'' You can find it at http://www.kegel.com/remedy/letter.html

Charles Lewis
Dir of Administrative Computer Services
Southwestern Adventist University
817–556–4720
lewisc@delta.swau.edu

MTC–00017296

From: Liz Vogel
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement in the Microsoft anti-trust case.

As a computer professional, I routinely work with Microsoft products—not because they are the best for the tasks at hand, but because they are so ubiquitous in the industry as to be unavoidable. I frequently encounter novice users who think that Microsoft Windows and a computer are the same thing, who believe that Internet Explorer *is* the internet, who don't realize that there are alternatives to Word, PowerPoint, or Access, let alone have ever tried these alternatives. The proposed settlement will do nothing to address this monopoly of the public mind; the average computer user will still see Windows, Internet Explorer, Office, and all the rest as a package that they have no choice but to accept.

Many small companies have offered products that are superior to the equivalent Microsoft offerings. Most of these companies have been bought out or driven out of business by Microsoft's restrictive OEM licensing, deliberate introduction of ''bugs'' that only affect non-Microsoft software, and other unethical actions. The proposed settlement will not significantly redress these past wrongs. Many of the remaining competitors are fighting economic and even

legal battles for their continued existence—not because their products are inferior, but because Microsoft's pockets are deeper. The proposed settlement will not adequately level the playing field for these companies; indeed, depending on how some of the terminology of the settlement is interpreted, it may even end up endorsing the status quo.

Most significantly, the proposed settlement fails to provide effective enforcement options and meaningful penalties to dissuade Microsoft from continuing its anti-competitive and unfair business practices in the future.

I urge you to discard the proposed settlement, as it does not serve the public interest.

—Liz Vogel
U.S. Citizen

MTC–00017297

From: jaeger@oakharbor.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am totally behind Microsoft. Get it out of the courts and quit wasting a bunch of tax-payers money.

MTC–00017298

From: sanramon@airmail.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

please stop nonsense lawsuit let the company innovate to help our country (USA) and the consumers to be productive!!!

MTC–00017299

From: dkenton@oregontrail.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

My Opinion I believe it has been totally wrong in the first place of any of the States and or the U.S. Government to ever go after Microsoft in any way. Including trying to discredit Microsoft suggest fining them or breaking the company in half. How many millions of dollars has the U.S. Government spent of our tax money? I personally think it is American Politics at its best or worst. I have sent letters to the Attorney Generals about the U.S. Post Office of their price fixing and fraud. Our Government never acknowledges any Correspondence as if nothing is wrong.

Sincerely
Arch Lang

MTC–00017300

From: yourwishes@i2k.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe anytime trial lawyers are involved any suit against private parties it is to suck the private sector dry of money and give those monies to some tax and spenders in the Federal or State governments.

MTC–00017301

From: Eric_P_Ingram@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Trial took way to long for a settlement such as this trial should have been thrown out long ago. While trial was in progress no issues was made of AOL purchase of Time Warner given them unlimited funds that'll topple Microsoft's. I pray and hope Microsoft make purchase of MGM studios.

MTC–00017302

From: jerry@electromotion.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Very poor and 1-sided arguments put forth by this ATL group. Obviously analysis is not representative of the full spectrum of opinion on this matter. USA settled for too little!!

MTC–00017303

From: doldomcel@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement reached with Microsoft seems equitable. It is time to move on and allow free enterprise to continue to help our country grow.

MTC–00017304

From: leonard@raintreenursery.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The action taken by the Justice Department against Microsoft should stand. Those who do not sign on to it should be not receive any further consideration. Microsoft made a generous offer which will benefit many children in our country who should not have had an opportunity to learn with the computers and soft-ware offered in the settlement. Lets move on and allow Microsoft to continue to innovate and broaden our minds through the products they invent and bring forward in the future.

MTC–00017305

From: lameyj@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Leave Microsoft ALONE!!!

MTC–00017306

From: Nick Bender
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I strongly disagree with the proposed settlement. Rather than detailing all the areas of disagreement in a this email, I have joined with others to co-sign the open letter at: http://www.kegel.com/remedy/letter.html

A far more effective set of remedies is proposed here: http://www.gnu.org/philosophy/microsoft-antitrust.html which contains the following main points:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats.

2. Require Microsoft to use its patents for defense only, in the field of software.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

I am a free market supporter, but disagree with those that feel the free market can function without effective regulation.

Regards,
Nicholas Bender
Norton, MA

MTC–00017307

From: dansereaurj@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Please settle the Microsoft case. They are a great company and have made our lives much better and revolutionized how we do business.

MTC–00017308

From: wdcameron@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I support settlement of the Microsoft case.

MTC–00017309

From: dwnowlin@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I strongly agree with the latest court decision in the Microsoft anti trust suit. I feel the free market is good for competition and that Government should not play a roll in this particular suit.

MTC–00017310

From: taa@greensboro.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

It is the attorneys general who are not playing fair. Giving software away isn't a bad thing. I do hate that you had to have IE installed to use other MS products though!

MTC–00017311

From: speedy39@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

After a very fair Microsoft settlement it is troubling to hear the continued vicious attacks by over zealous prosecutors jealous competitors and members of the house and senate. These are egotistical squabbling groups seeking more compensation and control of commerce. I have benefited from Microsoft Software I have found it to be very reasonable and most of all I like the way it minimizes compatibility problems leaving the developers the options to freely design other competitive applications consumers are looking for. Last Thursday Microsoft announced 4th earnings which included a charge of $660 million three quarters of a billion dollars or 8 cents a share.

Friday after reporting the stock fell another 4 points. Folks that is roughly 16 billion in market value 25 times the amount of

Microsoft's earning charge. This litigation has impacted every consumer directly or indirectly. Charities retirement funds and our struggling economy. It is disgusting and shameful to allow this money to go into the pockets of the greedy ruthless lawyers. Let the consumer sort it out unnecessary lawsuits against technology is choking innovation and the consumers are paying the higher costs of all goods.

MTC–00017312

From: fredrik1@zoominternet.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe there should be tougher sanctions against microsoft. controlling 92% of desktop software is too much for competitors and bad for product innovation.

MTC–00017313

From: catemilano@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe the settlement reached in November 2001 between Microsoft and the DOJ is in the very best interests of all concerned parties: the public the government and Microsoft. I strongly urge the DOJ to terminate any further antitrust proceedings against Microsoft. At this time when the economy is in such a downswing it is folly to continue to agitate against a corporation that has given so much to the consumer and in which so many consumers have placed their trust by becoming shareholders. I am of the opinion that Microsoft will take those measures necessary to ensure that action of the type taken against it will not be repeated.

MTC–00017314

From: HERBHOLM@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

This settlement is in the best interest of everybody. Its time the that the government get off the company back. Let them proceed and bring new technology forward.

MTC–00017315

From: rosken9306@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Leave microsoft alone to do their business. They did not break any anti-trust laws.

MTC–00017316

From: hburton@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I support the settlement reached this past fall. I say it is time to quit wasting more (our we the people) money call a halt to any further prosecution or lawsuits and let the country get on with business.

Harvey G. Burton

MTC–00017317

From: Liegeois@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Dear Sir:

I think it is about time that this law suite against Microsoft be left as settled. Let us get on with productive business.

Sincerely yours

MTC–00017318

From: rosken9306@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I think that the settlement is fair and just.....

MTC–00017319

From: ptros@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The Department of Justice needs to speedily resolve the case against Microsoft. This is an unreasonable taxpayer burden. In no way should Microsoft ever be forced to allow anyone to see the source code of any of their software programs. In fact all charges should be dropped. Microsoft and Mr. Bill Gates have done more for computing have made business productivity greater than it has ever been before and Microsoft should be allowed to continue unabated. The US Department of Justice needs to drop this case and all charges NOW! ps. I am not in any way associated with the Microsoft Corporation. I simply buy and use their products.

MTC–00017320

From: sak2131@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement with the Fed Gov was just and should be completed with all the other States and settled once for all and have closure immediately

MTC–00017321

From: iveycrft@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

It is important that the internet remain unencumbered and free from oversight by those who would seek to legislate ahead of it's growth. As a person who has just begun to experience the effects of it's use I would hope that those who seek to control it would also seek to see it through to whatever wonders are as yet unknown.

MTC–00017322

From: mikemartin1@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement doesn't mean DICK! Microsoft has learned nothing from it and they are using the same bullying tactics as always—witness their latest lawsuit against the makers of Windows in the name of preventing consumer confusion . They re still the same old uncaring monopoly and the settlement is just an old toothless dog that they will ignore.

MTC–00017323

From: kjb.ims@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

As an entrepreneur developer of high tech systems I believe it is important to provide to our children immediately the tools to enable them to develop skills to equip them for their future. That we seem to be more concerned about whether the services offered in settlement bear the name Microsoft or Sun or Apple or Linux smacks of politics above the needs of children. Let's get the systems into the schools NOW! The fact that Windows is by the far the most dominant operating system in the world is a pretty clear indicator that children schooled in systems based on Windows will not exactly be trained in an outmoded or marginal system. Get with it!

MTC–00017324

From: mdk@twcny.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Whereas I generally feel that competition and commerce should be left alone and not influenced by governmental interference. I am one to go on record to say HELP in the battle against the monopolistic practices that Microsoft has implemented in it's quest to become THE computer software company.

Many offenses are already catalogued and rehashed so no need to recount. MY concern here is to point the need for open source support as a basis for other products to be able to compete and yet integrate with Microsoft products. In the HARDWARE field standards allow multiple vendors to have a chance to produce components that interchangeably work in a computer. The ISSUE here should be the same open standards that give XYZ a chance to develop a better software component that can be interchanged with the Microsoft version. If I like Netscape then I should not need a tech degree to replace Internet Explorer with Netscape for a browser. I should be able to have options on the software application vendor even though we are GLAD that Microsoft did standardize Operating Systems with Windows products. No penalties to the computer vendors no pressure on me or others should prevent me from having choice enabled and allowed and that means open source access to code for developers and no exclusiveness of ALL Microsoft or NO software! Please push the accessibility for all developers and allowance for creative sources. Additionally whatever happens don't allow Microsoft to get off with simple payment to schools that allows more monopolizing practices to be launched on a new generation but rather require payment to CUSTOMERS wronged and the COMPANIES that have been harmed through the MICROSOFT practices!

Thank you.

MTC–00017325

From: Chris
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I'm am writing to express my outrage and disapproval of the Proposed Final Judgment

in United States v. Microsoft. While I find most of the remedies proposed in this settlement with out any value as a deterrent to Microsoft's anti-trust behavior, I am greatly concerned about provisions that not only don't act as a deterrent, but will help to enhance and encourage further anti-trust, anti-competitive behavior in the future.

Specifically, Microsoft's right to appoint a member to the oversite board and that member's right to influence the selection of the third member. Where else would someone guilty of so many criminal acts be allowed to chose and pay(!) their judges and jailers! This ''oversite board'' has no responsibility to report their findings to the public, no resources, freedom of access, or motivation to fully investigate further anti-trust behavior, and no teeth to punish Microsoft if it happens to find that behavior. So, I have to conclude that the only function they will serve is to provide effective camouflage for continued and ongoing anti-trust and anti-competitive behavior on the Microsoft campus.

I am also appalled by Microsoft's right to circumvent requirements to disclose API and interoperability information by claiming it discloses ''secret'' information or by claiming the group or individual requestion the information is a legitimate business. As an Open Software developer and advocate, Microsoft's stated belief that GPL licensed software is ''a cancer'' and that Open Source Software degrades ''legitimate'' software development business, would leave any reasoning person to conclude that GNU/Linux developers would never qualify, in Microsoft's opinion, to receive API or interoperability information. Since Microsoft has publicly stated that GNU/Linux is a serious competitive threat to it's server business, this settlement provide a very effect method to attack and injure one more of it's competitors. As one of many, many programmers that depend on Open Source Software for their livelihood, I ask you to, please, not approve this settlement. Thank you for your time, respectfully,

Chris Jackson
www.91courtstreet.net
Augusta, Maine

MTC–00017326

From: APace27@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I hate to see Government State Local or Federal persicute private interprise.

MTC–00017327

From: thomasmbrooks@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Microsoft has shown over and over that it can get away with breaking the law and only getting a slap on the wrist. In addition to Browser and Word processor issues currently under consideration Windows 3.0 had special software to prevent Borland s C compiler from running. Breaking Microsoft into a Browser company an Operating System company and a Software company is the best way to see that Microsoft does not continue to violate the law. At least any future violation would be at the expense of other Microsoft companies in addition to the rest of the world. Microsoft loudly claims that breaking them up will result in higher prices to the consumer. One major software package has increased in price year after year under Microsoft s current monopoly—the Windows Operating System. Breaking up Microsoft would help see this trend reverse. Microsoft s predatory and illegal tactics WILL continue as long as the cost of such practices is less than the anticipated profit. In my opinion the current settlement continues this.

People who currently defend Microsoft and oppose breaking up the company have a vested interest in maintaining the status quo at the expense of the consumer and other companies attempting to engage in fair competition. I hope someone at the state or federal level will agree that the rule of law and a fair playing field is more inportant than Microsoft s profits.

MTC–00017328

From: Eron Lloyd
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern,

I, Eron Lloyd, an active and concerned U.S. citizen, request that the Department of Justice take more serious action in the settlement agreement against Microsoft corporation. Along with many others, which unfortunately will probably not make a stand and state their opinion, I feel that justice has NOT be served on the part of the people of this country. To me, the penalties (or lack thereof) imposed represent a mere ''wrist slap'', and only make it seem like the company CAN get away with more monopolistic practices and predatory business tactics, and in doing so remain above the law of the land.

Furthermore, with the near future of some of their new strategies on the horizon, we'll see these actions become more abstracted from the public's viewpoint, so the ability to raise a red flag will be nearly impossible. I foresee wider control of the Internet access market through MSN, online service and identity entrenchment with Passport and .NET, Digital Rights Management exclusive powers through the preposterous patent on DRM for operating systems given to them by our very own USPTO, market-cornering of consumer and media convergence technologies through X-Box second generation and proprietary Windows Media implementations.They want a stronghold on every major market. I do NOT want my children growing up in a Microsoft-governing information society with a single corporation trying to become the thought police.

I also dislike the fact that my government itself is almost completely reliant on Microsoft technology for its intellectual and business process property. I want to see more investment and support for open technologies and government contracts for companies developing DEMOCRATIC solutions using things such as Linux, standard networking protocols, and open hardware. On the state and local level I want to see Microsoft barred from competitive bidding, and contracts given to local technology solutions providers.

I support the settlement recommendations presented at http://www.kegel.com/remedy/letter.html and stand firmly as a co-signer to these recommendations. I am angered by the fact that one of the penalties imposed is requiring Microsoft to pour more Microsoft products into our public education system. This does nothing but solidify their standing and give them another legitimate way of exposing and influencing the next generation of the consumer market. It does not teach children how to think for themselves. If you want real technological solutions for our schools, come to the communities that truly care, us, who have the future in mind.

We are all counting on you, the DOJ, to serve swift and heavy-handed justice for the good of the people, and we will hold you accountable for the final outcomes. You must represent us. Thank you.

Eron Lloyd
Computer Professionals for Social Responsibility
Technologist, Activist, Community Builder, Citizen
elloyd@communitycode.org

MTC–00017329

From: Luke Brady
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement CC: dkleinkn@yahoo.com@inetgw

MTC–00017329—0001

Dear Judge,

It is clear to me (a user of some MS products) that MS is violating antitrust laws. What upset me the most is how MS has put internet explorer on with it's operating sytem. I belive in the future MSN messenger will also be put on windows as well. This is destroying other companies'' chances of succes in the MS Monapolized world. Please re-evaluate the Proposed Final Judgement.

Luke Brady
14001 Old Peartree Rd.
Huntsville AL 35803
256–880–9046

MTC–00017329—0002

MTC–00017330

From: SmyersN@whitko.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I would appreciate this matter of U.S. vs. Microsoft to be over! Microsoft has great products and the competitors don t like the idea that they can t compete so it would appear they want to drag this out as long as possible. Enough already and let s keep moving forward in technology. Those who choose to come along for the ride will do well! Thank you for listening! Nathan Myers

MTC–00017331

From: Justin Anderson
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I believe that any of the proposed settlements with Microsoft will fail to solve the major roadblocks to innovation they

currently enjoy as a majority operating system vendor. They have used their position and raw money to halt competing products in their tracks. They have historically announced products which are never released, doing so to kill interest in any startup competitor's new idea that might eventually erode Microsoft's control. Microsoft uses highly anti-competitive licensing agreements with its software application developers which prevent the feasible release of most Windows application on any competing operating platform.

There are an enormous number of further complaints I have about Microsoft and their practices, but others have said it better and more clearly, particularly Dan Kegel <http://www.kegel.com/remedy/remedy2.html> and David K. Every <http://www.mackido.com/Innovation/SoftwareDevelopmentCycle.html>.

Thank you for taking the time to consider my opinions and those of my fellow citizens. I am a computer programmer, and I sincerely believe that Microsoft's practices are what killed the economy. Hopefully we can prevent them from stifling any more great ideas.

Justin Anderson Student/Programmer
University of Massachusetts Amherst

MTC–00017332

From: Michael Schultheiss
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing * operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Michael Schultheiss
CEO / CIO
Amellus Enterprises, Ltd.

MTC–00017333

From: barry.lesley@jandmmortgage.com @inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

America became a great nation because individuals had the self motivation and encouragement to seek new frontiers not only in geography but in technology medicine science etc. It made its most substantial gains where there was an environment where government encouraged rather than discouraged discovery and the hope and expectations for future profits were not considered negatives.

MTC–00017334

From: Sam Johnston
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I strongly oppose the settlement in its currently form and am of the opinion that the worst is yet to come. The following areas in particular concern me:

—blatant disregard for security
—lack of accountability for faulty software
—inflated prices of office suites, diagramming, project management and other desktop software
—lack of acceptance of existing standards (proprietary kerberos extensions for example)
—creation of new ''standards'' (C# programming language, VBscript as a client side scripting language)
—forced upgrades where not required
—subscription model pricing
—passport/.net security issues which are crucual given the sensitive data being held
—passport/.net anticompetitive behaviour
—increasing reliance on centralised microsoft services (passport, support, windowsupdate, etc.)
—instability on the internet (raw packets from XP, viruses, trojans)
—anticompetitive site design (barring access to popular sites like msn.com for non IE users)
—anticompetitive OEM agreements (all workstations bundled with windows without choice)
—interoperability problems (difficult to multiboot, integrate as deeply as IE, etc.)
—xbox and the related anticompetitive behaviour associated with it

I sincerely hope that a more appropriate remedy is found,
Sam Johnston

MTC–00017335

From: Colby Rice
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I believe that the proposed settlement will not hender microsofts illegal ways. As someone that does not use microsoft products it is very hard for me to find ways to do things that most take for granted because of steps microsoft has taken to limit who can enter markets. One such example is watching DVD's. Another example is the fact

that now microsoft is attempting to take over the set top box market along with the game console market —AND— the embeded OS market. Left unchecked we could end up living in a world were everything depends on Microsoft to provide for us. Allow me to provide some examples:

I am taking for granted that the readers of this have all used Microsoft Operating Systems such as Windows 2000, XP, and the like. Also Im guessing that you have all had times when that operating system crashes for no reason what so ever. With that in mind lets look at a possable reality when microsoft has taken over the embeded market and most/all devices require a Microsoft Windows XP Embeded OS to run (such as the computers that control reactors and the like)

Now lets assume that someone you love is involved in a car crash or something else and must be put on life support. All of the equipment used to keep your loved one alive relies on embeded tech. to work and because microsoft has killed all compatition in that market your loved ones life now relies on the fact that that microsoft product will not crash for some unknown reason. This scares me. it really does. Lets look at another example, Microsoft is currently pushing its .Net project to be —THE— company to goto when you need to establish an online ID such as what is used to identify you to your bank for online banking and to buy things online. After _ALL_ of the security problems microsoft has had would you really want to trust all of your personal information to a system that the same people came up with? I dont. When you consider this settlement please keep in mind that for all the good (and I use the term loosly) that microsoft has done they have done much worse for the world. (Did you know that there was a time when computers did not crash many times a day?)

Colby Rice
1267 Hudgins
Grapevine Tx 76051
Network Security Engineer

MTC–00017336

From: dukejack@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I totally support the settlement agreement made by Microsoft. I belive Microsoft is a great American company that has acted responsibly in an ever changing and highly conpetitive field. Further fines and punishment would NOT be in the best interest of the American economy or the American free enterprise system. Enough is enough. Let Microsoft continue to create great ideas for America and the world.

MTC–00017337

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

This is in response to the proposed settlement of the Microsoft antitrust case.

I believe the settlement falls fall short of being an effective remedy for Microsoft's past misdeeds and does little to prevent further misdeeds in the future. By stifling in the marketplace at large the innovation that they claim to champion, Microsoft has silenced any effective attempts to compete. This is a classic case of monopolistic behavior—not unlike that of Standard Oil, for whom the Sherman Act was written—and has got to be stopped.

The settlement needs more teeth:

1. There needs to be a stiff penalty for past misdeeds.

2. There needs to be a structural remedy that insures against future misdeeds. Microsoft has already demonstrated that it can't abide by behavioral remedies. Why should we assume they will in the future? The computer and software marketplace has become a much poorer place since Microsoft's ascendency to monopoly status. A more effective remedy in this case could only help to reinvigorate the wasteland left in their wake.

Thank you.
Respectfully yours,
Philip C. Pilgrim
President Bueno Systems, Inc.

MTC–00017338

From: Zerafa, Doug
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

Here is my opinion of the Settlement, The settlement as it is written now rewards Microsoft for its illegal practices as the settlement will allow Microsoft to crush the open source movement and for profit competition. The following below are excerpts from others letters about this case. I wholeheartedly agree with the content of the following statments and present them as my own opinion : Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' This section should be reworded as ''...(c) meets reasonable, objective standards established by the government (or other as yet defined independent body) for certifying the authenticity and viability of its business'' The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Other comments : Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. I personally believe that PC Manufacturers should allow customers to choose which non operating system components to install when purchasing a new PC, much like when you purchase a new car. I would like the choice of having pre-installed either Windows or Linux, Windows Media Player or Real Player or some other media player, Internet Explorer, Netscape, and / or Opera as my internet browser, AOL or MSN or other as my internet service provider. PC Manufacturers have the choice as to which of these packages they offer to consumers pre-installed at what price. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. Microsoft should also be forced to divest its holdings in Apple. This investment effectively means that Microsoft not only controls the 90% + of the PC market but the remaining market of Apple computer users.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month. It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player

technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay! Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Thank You
Doug Zerafa

MTC–00017339

From: Anthony Coleman
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

MTC–00017339—0001

The proposed settlement is a bad idea. It does not limit or punish microsoft enought for what it did.

They are guilty.

They should be punished!!

MTC–00017340

From: Fritz Geier
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

Dear Sir/Madam:

The proposed settlement of the Microsoft case does not contribute to the expansion of options or alternatives to the Microsoft operting system or range of productivity software. The settlement amounts to a slap on the wrist; there needs to be a more suitable settlement that encourages and protects the development of non-Microsoft software solutions. Witness the proliferation of viruses and worms that affect only MS systems. As a user of both Intel and Macintosh systems, I can assure you that the Mac side of the computing world is far less affected by the proliferation of such security problems. The promotion of Miscrosoft's operating system and other software through minimal penalties only encourages such corporate behavior further and serves to discourage other superior software (witness Be OS) development. Please reconsider the implementation of the proposed settlement terms.

Respectfully,
Fritz Geier

MTC–00017341

From: owner@thehitechgroup.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Enough! You have more controls to insure the settlement is enforced than is sane now. The foes of Microsoft wish to disband the company why are you so intent in helping them? Enough I say! Settle for the current settlement and let the computer industry go on.

MTC–00017342

From: bonzelet@voyager.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I feel the the current settlement is more than sufficient and should be accepted by the Federal and State governments.

MTC–00017343

From: Brian Schwarz
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future in any significant way.

Sincerely,
Brian Schwarz

The opinions expressed here are may expressed here are my own, and do not reflect those of my employers—past, present, or future.

MTC–00017344

From: Burnett, Mark Michael (UMKC-Student)
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Regarding the proposed settlement of Microsoft's illegal business practices:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

I have read stories (which I believe) indicating that Microsoft is actually calling their customers telling them to submit comments on the settlement in favor of Microsoft during the Tunney Act comment period. Microsoft claims that the trial itself is the real cause of strain on the economy and that supporting Microsoft for a quick, unrestricted settlement is the best way out.

This is absurd. Microsoft is merely using its unprecedented marketing (read monopolistic) power to try and win this uphill legal battle. Because of this propaganda, the people are not being fairly represented— no one is calling Microsoft clients and telling them the other side of the story. That's simply too expensive.

This propaganda of Microsoft's may gain them popularity, but what's popular is not always what's right. I argue that this abuse of their resources to further their legal position shows us unequivocally that Microsoft will continue to abuse their position in the market after this settlement is finalized.

Mark Burnett
1024 NE Hunter's Ridge
Lee's Summit, MO 64086

MTC–00017345

From: Bob Hardy
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Dear officials of the court:

I think that the proposed settlement of the Microsoft case is slanted in favor of Microsoft. It permits them to continue doing many of the same anti-competetive things they've done for many years. This is more specifically outlined in the following document: http://www.kegel.com/remedy/letter.html It seems that there's far more in the settlement that's favorable to Microsoft's continuing monopoly and anti-competetive tactics than there is to the entire remaining software development world—and that is bitterly wrong. Microsoft should not be crushed out of existence, but they should have to live in the same world as everyone else in their business, which has not been the case for far too long.

Thanks for your attention!

MTC–00017346

From: David Caldwell
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

To whom it may concern,

I think the proposed Microsoft Settlement is a bad idea. I believe much harsher restrictions need to be applied to Microsoft. Please reconsider.

David Caldwell

MTC–00017347

From: dawson—d@mail.daxcon.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement is a bad idea. It amounts to a slap on the wrist and allows Microsoft to continue with business as usual. Let us do the right thing and let the punishment suit the crime.

Regards,
Don Dawson
Systems Administrator,
DAXCON Engineering, Inc.
5607 S Washington St.
Bartonville, IL 61607
email: dawson—d@daxcon.com
http://www.daxcon.com
Phone—309–697–5975
Fax—309–697–5976

MTC–00017348

From: Ryan Leigland
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement (Civil Action No. 98–1232 (TPJ)) is flawed because it grants no rights to open source software, which is generally acknowledged to be the main competitor to Microsoft. Any proposal that does not give those rights is destined to fail.

MTC–00017349

From: R
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

I am against the proposed settlement in the Microsoft case. I do not think it achieves the goal of preventing Microsoft from stifling competition. Competition leads to better

products, more choices, and cheaper prices for goods.

Several areas not well covered by the agreement in my opinion include: Incompatibilities that have been documented as introduced by Microsoft into their products to crush competition and limit consumer choice. And penalties Microsoft has levied on sites that choose to run non-Microsoft operating systems in their environment.

Thank you.

Robert Danford
109 Abertdeen Ct
Carrboro, NC 27510

MTC–00017350

From: George Tucker
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Dear DOJ,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I feel that the settlement is weak and full of holes that Microsoft has already begun to take advantage of. Microsoft should not be permitted to migrate their dominance on the desktop to control of the internet.

The current settlement allows Microsoft to determine standards and gives Microsoft veto power over the areas of interoperability, middleware development, and the Open Source environment.

Giving one corporation, that has already been found guilty of monopolistic practices, control of the entire computing universe is the antithesis of what you should be trying to accomplish.

George Tucker

MTC–00017351

From: Bruce Mohler
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Dear Department of Justice,

While I heartily approve of what you are doing in many, many areas (especially in your participation in the war on terrorism), I believe that the proposed ''settlement'' with Microsoft is a bad idea.

While the Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems and while the Court of Appeals affirmed that Microsoft is liable under Sherman Act for illegally maintaining its monopoly by imposing licensing restrictions on OEMs and others, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools, there is essentially no penalty being placed on Microsoft for this behavior. Please, please review the penalty and do something to free our computer industry from the unrestrained influence of Microsoft.

Thank you.

Bruce Mohler

Software guy...Of course my password is the same as my pet's name. My dog's name is rit5%ang, but I change it every 90 days.

MTC–00017352

From: Morgan Hall
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Comment on Microsoft Settlement

Greetings,

Thank you for the opportunity to comment on the pending Microsoft anti-trust settlement.

I am not learned in law, but I am opposed to the settlement proposed by the Department of Justice for several reasons:

1. First and most important—Microsoft's past actions have shown them not to be trustworthy. As I understand it, this case came about because they found a loophole in the earlier judgement and did violence to the spirit of it while barely following the letter. Common sense tells me that one cannot reasonably assume that their corporate culture will change in a very short time.

2. Microsoft's present behaviour shows that they are still attempting to leverage their monopoly into more and more areas.

3. Even I, a total novice in points of law, can see several glaring loopholes in the proposed settlement. For example, by declaring certain interfaces as sensitive to security breaches, it may be possible to totally disable programs such as ''samba'' that allow non-Microsoft software to interoperate with Microsoft software.

I would suggest that some sort of relief be crafted that would accomplish the following:

1. Ensure that non-Microsoft software could operate easily and fully (all functions work!) with Microsoft software.

2. All Microsoft file formats be fully documented and open. Thus other applications could be crafted to seamlessly interoperate with Microsoft products.

3. Establish some form of interoperability oversight body that has real teeth. A body consisting of at least five experts in the art of programming, which Microsoft has no voice beyond a single non-voting representative. Independent developers could take problems with Microsoft interoperability, documentation of interoperability, file formats, and documentation of file formats to this board. The board should have the authority, should Microsoft be recalcitrant, to stop shipments and sequester all income until the problem is resolved.

4. Establish that whatever prices Microsoft charges for software will be applied uniformly (with volume discounts as appropriate). This should include such things as co-operative advertising and other forms of non-cash renumeration to VAR's and retailers. Should a VAR (for example) be ''punished'' by Microsoft for using or reselling non-Microsoft products, the person or business should be entitled to at least triple damages.

I feel that unless there is a real, strong, incentive to comply, Microsoft will continue acting barely within their interpretation of the letter of the law and ignoring the spirit of it, as well as ignoring any sembalance of ethical behaviour.

Thank you again, for this opportunity to comment.

Morgan Hall

MTC–00017353

From: Braz Brandt
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

Looking at my calendar, I took notice of today's date and the rapidly approaching end to the period alloted for public comments regarding the Proposed Final Judgement against Microsoft as negotiated by Microsoft and the Department of Justice. Realizing that I have not yet taken the time to respond to the Proposed Settlement, I feel compelled to do so now, before the period alloted expires.

I want to express my extreme displeasure with the Proposed Final Judgement, and stress to all parties involved with the review of the Proposed Final Judgement that this settlement, as currently written, does little to address the issues raised by Judge Jackson and further upheld during appeal. Indeed, the settlement can be seen as ineffectual, given the tendencies of Microsoft to frequently redefine and at times even ignore the directives of the Department of Justice and established US Laws.

Unlike many people in my line of work, I will not take the time to raise the issues that fall outside the scope of both the Department of Justice's case against Microsoft. Instead, I would like to focus on what I feel is the primary problem with the settlement, and highlight this problem as just one of several.

The Court of Appeals upheld Judge Jackson's Findings of Fact, which stated that Microsoft holds a monopoly in operating system software, and additionally, that Microsoft has used that monopoly power to stifle competition and even destroy competitors. Further, Microsoft was found to have used its tight control over the operating systems ''APIs'' to prevent competition with its own products, by creating an artifically high barrier for would-be competitors to overcome.

To that end, the Proposed Final Judgement should remedy this situation. Specifically, my concerns are regarding the imposed publication of Microsoft APIs. If defined and implemented properly, this action would have a significant effect not only on middleware vendors, but also on operating system developers; said developers could use those APIs to provide the underlying functionality of Windows without the currently-necessary reverse-engineering required to extract and implement these standards. As it currently stands, an operating systems developer must spend quite a large amount of time examining, studying and interpreting the API calls any application makes to the Windows family of operating systems. Once this is done, the developer can then implement and design replacement operating system services, so that these applications can run as seamlessly as possible on new, ''Windows-compatible'' operating systems. Obviously, the development of Windows-compatible operating systems would be detrimental to Microsoft's sales and market-share. To prevent the growth of such alternatives to Windows, Microsoft has refused to publish their Windows APIs to the public, and has taken great pains to make the reverse-engineering of those APIs a difficult task. Microsoft routinely and with great care makes changes to the Windows APIs, and

then releases products that take advantage of these new, unpublished APIs. Therefore, any development efforts invested in deciphering Windows API calls are rendered useless with each new version of Windows.

To remedy this situation, the Department of Justice has attempted to force Microsoft to open their APIs to developers. However, while the gesture is one that is welcome, its implementation leaves much to be desired. First, the proposed settlement narrowly defines APIs as the interfaces between Microsoft Middleware Products and Microsoft Windows Operating System Products. Furthermore, the settlement then further narrows the scope of ''Middleware Products'' to be a subset of existing Microsoft technologies— Internet Explorer, Outlook Express and Windows Media Player, for example— and ''Windows Operating System'' as Windows 2000, Windows XP and their successors.

If Microsoft didn't have a history of both creating/purchasing new operating systems technologies and also shifting focus away from current operating systems in favor of other technologies, these definitions might only be considered questionably narrow in scope. However, as Microsoft has shown in the past, it is more than willing to shift, redefine and create and/or purchase new technologies in order to reinforce its monopoly powers. The Department of Justice has ignored Microsoft's growning incroachment into the handheld and newly-emerging tablet PC markets, where Microsoft promotes and develops Windows CE and Windows XP for Tablet-PCs, respectively. The Proposed Final Judgement, with its narrow definition of ''Windows Operating System'', leaves Microsoft free to both continue its illegal and predatory business practices in the handheld computer market, but also to, at some future date, shift its operating system focus away from ''Windows 2000, Windows XP Home, Windows XP Professional and their successors'' to Windows CE, Windows XP Tablet-PC Edition or some third, as-of-yet undeveloped technology. Doing so would eliminate any legal requirements Microsoft would have to follow the terms of the proposed settlement. Additionally, with its narrow definition of ''Microsoft Middleware Products'', Microsoft isn't prevented from adopting new, emergining technologies—as it did with Internet Explorer—and incorporating them into the ''operating system'' to avoid the Middleware label. Furthermore, Microsoft could simply redefine these portions of Microsoft Middleware as essential parts of the operating system, and thereby refuse to publish any future APIs.

While I'm confident that the Department of Justice is interested in enforcing the Sherman Act and the Findings of Fact of the US District and Appeals Courts, the Proposed Final Judgement as currently written accomplishes neither of those goals. I hope that my brief overview of just one of the many problems with the proposed settlement brings to light the issues involved in dealing with Microsoft, a company with a history of ignoring law and judicial decree where they prove inconvenient. I also hope that the tide of company-sponsored statements, both for and against the proposed settlement, do not drown out the concerns of consumers and computer professionals like myself.

I would like to thank you for taking the time to review my comments. I look forward to any opportunity to discuss my comments further, and welcome each and every opportunity to provide input into the fair and equitable settlement of the Department of Justice's case against Microsoft.

Braswell Brandt, MCSE
Network Engineer
CC:senator@warner.senate.gov
@inetgw,senator@allen.sen...

MTC–00017354

From: Edan Dalton
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

The Microsoft settlement is a Bad Thing. Do not sell out the work of so many people in bringing Microsoft to justice by bending over bakcwards to give them a light punishment.

Edan Dalton

MTC–00017355

From: VicBerzins@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement, in my opinion, is woefully inadequate, and should be rejected.

As a computer professional for over 15 years, I have seen repeated examples of Microsoft using its clout (monopoly influence) in inappropriate, anticompetitive ways. This is what the court's findings of fact support. The sanctions offered in the proposed settlement may actually encourage companies to engage in these types of practices—because even when litigation is lost, the remedies will remain inconsequential and easy to circumvent—at least in the high-tech field.

I trust that this proposed settlement does not become an example of the protection from monopoly abuse we are to witness from the current judiciary. Thank you for considering my opinion,

Victor J. Berzins
76 Old Webster Rd.
Oxford, Ma. 01540

MTC–00017356

From:
rahuls+@postbox.ius.cs.cmu.edu@inetgw
To: Microsoft Anti Trust Trial
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

Section III(J)(2) specifies that Microsoft need not describe nor license its API to companies that don't meet Microsoft's criteria as a business—which can be interpreted as including open source projects.

The proposed final judgement also fails to address the concern that Microsoft may introduce intentional incompatibilities (as it has done in the past) into its applications that will make it difficult (or impossible) for users on non-Windows platforms to run the software. I also encourage you to examine several other serious issues raised in the analysis at: <http://www.kegel.com/remedy/remedy2.html>

Sincerely,
Rahul Sukthankar
Cambridge, MA
CC:Rahul Sukthankar

MTC–00017357

From: Russell Edward Dekema
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I would like to say that I am not in favor of the current proposed final judgment in this case. I feel that it does not go nearly far enough in preventing future anticompetitive acts by Microsoft, and many of the definitions contained within it are either too vague or incorrect. Insofar as you take public opinion into consideration on these matters, please count this as a ''vote'' (so to speak) against the current proposed settlement.

Sincerely,
Russell Dekema
1200 E. Ann #4227
Ann Arbor MI 48109

MTC–00017358

From: Kevin Ruddy
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

I am against the proposed settlement. One of the biggest failures in the settlement is that file formats remain undocumented. It is extraordinarily difficult to reverse engineer a file format to be compatible with Microsoft's constantly-shifting Office suite, for example. In order to foster interoperability between Microsoft and its competition, and to create new competition, these file formats must be available to all.

There are many additional shortcomings, and I hope the Department of Justice makes a more serious and significant attempt to curtail Microsoft's monopoly and open the software industry to additional competition, which will help the United States in countless ways. It is poorly served by Microsoft's monopoly as it stands today.

Kevin Ruddy
42 Pantry Rd
Sudbury, MA 01776

MTC–00017359

From: Geoffrey Sanders
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

I disagree with the current Microsoft/DOJ Settlement. This problem should be revisitied as the current settlement is not satisfactory.

G. Sanders
San Diego, CA 92129

MTC–00017360

From: Eric
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

1 Microsoft has spent many years eliminating the competition through underhanded tactics. They started the BSA,

an orginization that publicly fights piracy through Federal Marshal-assisted raids and has a tendency to force businesses to convert to Microsoft software through thunder and bluster. Splitting up is too good for them.

MTC–00017361

From: wleddy
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anti-competitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anti-competitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anti-competitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

In summary:

The PFJ (a) does not punish Microsoft for crimes committed, (b) does not provide for restitution for its criminal actions (c) does not restrict Microsoft from continuing established criminal behavior, (d) does not restrict Microsoft from future criminal behavior, (e) ignores Microsoft's disregard for earlier consent decrees and its demonstrated contempt of the legal process as demonstrated by its flagrant misbehavior in court, (f) greatly impedes and restricts the efforts of competing systems, especially non-commercial competitors collectively referred to as ''Open Source''.

It amazes me that these criminals even have a say in their punishment, I can't recall any other crime where the criminals can negotiate their punishment. The PFJ is a travesty of justice.

Sincerely,
Bill Leddy
Director, Information Services
St. Stephen's & St. Agnes School
400 Fontaine St.
Alexandria, VA 22302
wleddy@sssas.org
(703) 212–2732 (v)
(703) 683–5930 (f)

MTC—00017362

From: Harold L. Brooks
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

I object to the settlement. I am a network administrator. I deal with Microsoft's anti competitive practices everyday. Viruses, rebooting, crashing, reinstalling, corruption of standards (kerberos), software pricing, strongarm tactics, lack of security and much more. Justice must be served.

Harold L. Brooks
Network Administrator
Telecom solutions for a global marketplace. TM
Scitec, Inc.
1212 E. University Ave.
Urbana, IL 61802 USA
Telephone 217–384–6041, Fax 217–384–6501
Pager 217–261–0118
hbrooks@scitecinc.com
www.scitecinc.com

MTC–00017363

From: HolliePeter KounalisGiles
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

MTC–00017363_0001

Dear DOJ representative,

I think the proposed Microsoft settlement is a bad idea. Microsoft deserves more than this mere slap on the wrist. I strongly agree with the criticisms of this settlement voiced here: http://www.kegel.com/remedy/remedy2.html

Sincerely,
Peter Giles

MTC–00017364

From: Matt Curtis
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Microsoft settlement falls short in many ways, in its goal to remedy Microsoft's monopoly position. There are many loop-holes Microsoft can use (as it surely will, given its history of outright law-breaking) to continue its exclusionary and predatory business practices. For an excellent document describing many of the problems in detail, please see Dan Kegel's comments at http://www.kegel.com/remedy/remedy2.html. I whole-heartedly agree with his sentiments as stated in that document. The proposed settlement does not force Microsoft to release its stranglehold—it merely forces it in some cases to use loopholes, and leaves many problems untouched. I believe that unless a much stronger solution is put in place, Microsoft will continue to hold its monopoly and the technical industry will continue to suffer. There will be no forward progress in

the computing industry as long as a there is a giant to stomp out every flame of innovation that does not line its pocketbook in some way.

Matt Curtis,
American Fork, Utah
Software Engineer at Clearstone Corporation, Lindon, Utah

MTC–00017365

From:
coyote@anim.dreamworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

I am writing to indicate that I, as a US citizen and experienced software developer, object to the currently proposed final judgment in the United States vs. Microsoft case. My biggest objection is the lack of a requirement for clearly and publicly documented file formats. The use of undocumented file formats results in users, typically without their knowledge, being locked into using Microsoft or Microsoft approved software for accessing and sharing their data.

I have made the personal choice to not use Microsoft products. This has resulted in a significant amount of difficulty when I try to access information that other send me or to produce information that others can easily use. It causes even bigger problems when I try to access information that no one is actively maintaining and yet is in essence encrypted by Microsoft without the explicit permission of the owner of that data.

Requiring that all file formats be publically documented would significantly improve the ability for other products to compete effectively in the areas that Microsoft has been judged to engage in monopolistic practices.

Sincerely,
Nathan Wilson
1037 N. Rose St.
Burbank, CA 91505
velosa@cinenet.net

MTC–00017366

From: Ken Kimball
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

To Whom It May Concern:

In regards the currently proposed settlement in the Microsoft anti-trust case:

The proposed Microsoft settlement is completely inadequate in my opinion. As the Director of MIS of a small ($10 million) company, I deal with Microsoft and their business tactics each and every day. If there was any reasonable way that we could purchase and use competing products, we would. However, Microsoft has basically crushed any company and/or product that would make that possible. The currently proposed settlement would ultimately do nothing to alleviate this problem; therefore, Microsoft will not loose any of its monopoly power.

Please spend my and my colleague's tax money wisely and offer a settlement that alleviates the problem.

Sincerely,
Ken Kimball [kkimball@mossinc.com]
Director of MIS
Moss Inc [http://www.mossinc.com]

MTC–00017367

From: Michael Broggy
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

To whom it may concern,

I have been using home computers for nearly 20 years, now, and have been increasingly frustrated as a consumer over the past decade or so whenever the idea of purchasing a new computer came up. Every system sold seems to come with a requisite ''Microsoft tax'' in the form of a bundled copy of Windows which I cannot refuse or get a refund for, which is extremely unfair as I never would choose to use Windows myself. Only by building my own systems from individual components can I get around this extra cost, but that often results in a more expensive system when all is said and done, as I don't benefit from volume discounts on computer components.

I haven't had the time to look into the nuances of the settlement, but I do agree with the essay written by Dan Kegel, found at http://www.kegel.com/remedy/remedy2.html—I have signed his petition and wanted to add my own opinion to the case, as I think capitalism is all well and good but there *are* rules and Microsoft has consistently sought to put itself on top by hook or by crook. Competition is *necessary* for progress and innovation—without it, Microsoft will seek to bleed their customers for as much money as possible without adding anything in the way of improvements with each successive version of their software.

If I were to break the law, I know I'd be punished—it seems unfair that any company or corporation can escape justice for *any* reason. They must be punished; they should be punished in such a way that they'd regret breaking the law in the first place and actions should be taken to ensure they could not do the same again.

Thank you for your time and attention,
Michael Broggy
Michael M. L. Broggy
System Analyst
Output Systems
The New York Times
212–556–8383

MTC–00017368

From: Gary Myers
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement
January 23, 2002
1110 Reynolds Blvd
Winston-Salem, NC 27105
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

The Proposed Final Judgement in the Microsoft Antitrust case is flawed in several ways. I will address one flaw that affects me personally. Sections III D and III E are good sections in that force Microsoft to allow competing software developers equal access to information reguarding system API's and communication protocols. However, I feel that these sections should go farther than they do in two ways.

First, file formats should be included. Microsoft has a history of using incompatible file formats for coerse users of Microsoft software to upgrade to newer versions. This same tactic same tactic can be used against competing software packages that attempt to interoperate with Microsoft products. Second, the only entities entitled to access the information made available by sections III D and III E are ''ISV's, IHV's, IAP's, ICP's and OEM's''. Granted that the definition provide for ISV is fairly broad (anyone involved in software development), the Final Judgement should make this information availble to the general public. As it stands, PFJ excludes private citizens who do not get paid to work in the software development field. As an owner of a Microsoft Operating System, I would like to be able to create software for my own personal use that will interact with my system correctly.

Thank you for taking the time to read my comments, and for your consideration is this matter.

Gary Myers

MTC–00017369

From: Dan Devine
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Greetings,

My name is Dan Devine and I would like to voice my dissatisfaction with the current Microsoft settlement agreement between the United States of America and the Microsoft Corporation.

I believe that this settlement is lacking in the following ways:

A) It does not go far enough in preventing further illegal conduct and provides ample legal loopholes for them to continue past business practices under the guise of a settlement.

B) It allows Microsoft to benefit from past illegal practices both monetarily and through market position. Under the ''Findings of Fact,'' it has been determined that Microsoft is a monopoly and that they have improperly used their power to maintain and expand that monopoly. The proposed settlement does not provide a concrete remedy to this situation and therefore is ''not in the public interest.'' After viewing the proposed settlement, I was struck by the number of legal loopholes written into it. For each proposed requirement, there were options that Microsoft could use to continue thwart competition. These loopholes are unacceptable in light of Microsoft's past business practices, and would allow them to prevent competition in the future.

It is my belief that competition can be restored to the marketplace without unfairly harming/damaging Microsoft and without breaking the company into two or more smaller companies. I further believe that the alternative settlement offered by the state of California and others, is more in the public interest.

I further believe that the operating system (the software which governs the operation of electronic hardware) should either be ''open sourced'' for public view or be considered a ''Public Utility,'' and be regulated as such. This belief is not taken lightly, and I would only consider it given that Microsoft controls 90% of computer operating systems. As an analogy, imagine what would happen if the ''interface'' for consumer and industrial electricity was controlled by private a corporation with legal protection on it's specifications. Such a corporation could modify the specifications of it's power at will, making competing products incompatible according to business interests. Under the ''public utility'' analogy, specifications on the voltage and frequency are public thereby allowing competing firms to make safe and compatible consumer devices which benefit us all. Microsoft has been shown to create deliberate roadblocks to competition through ''incompatible file formats'' and ''degradation'' of file quality on competing products. The ability of one corporation to determine the direction of desktop computing has ominous implications, and should be curbed through government oversight.

As a conclusion, I hope that the proposed settlement is rejected as not being in the public interest.

Thank you for your time,
Dan Devine
4033 29th Ave. W
Seattle, WA 98199
(206)282–1958

MTC–00017370

From: Michael McHenry
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

I'm writing to express my dismay at the proposed settlement which I believe will do little to curb the negative impact that Microsoft's monopoly has had on the computer software industry. I find the proposed remedies weak, and with little prospect of strong enforcement. Microsoft should be required to release all information regarding its file formats, should be required to have uniform terms for all OEMs not just the 20 largest, and its restrictive licensing which keeps Microsoft products from running on competing operating systems should be eliminated.

Sincerely,
–mike mchenry
CC:mchenry@rossumtech.com@inetgw

MTC–00017371

From: Robert Witcher
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

The proposed settlement is a giveaway to Microsoft. I do not believe in this settlement.

Robert Witcher
Dovebid Computer Group
505–471–5211

MTC–00017372

From: John Berger
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

The current settlement is bad for the country and for consumers. I have worked as a computer engineer for over twenty years, and have made my living servicing Microsoft products. Microsoft has abused their monopoly position, has violated previous court orders, and has falsified evidence. There is not sufficient oversight in the current agreement, nor is there sufficient remedy. The company should be split.

John Berger
6441 Balcom Ave
Reseda, CA

MTC–00017373

From: Scott Sesher
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Rather than go into the painful detail on every point where this proposed settlement falls short of protecting U.S. citizens from Microsoft's monopoly, I will instead focus on the one thing strangely absent from the proposed settlement.

Microsoft has been found to have abused it's monopoly power, hurting consumers, other businesses and open source developers. Yet there seems to be no real punitive measure in this proposed settlement. If I were to have been found guilty of a crime I would not expect the judge at sentencing to say only ''Don't do it again, we will be watching you.'' (Though in Microsoft's case this seems to be ''Don't do it again, you will be paying people to watch you, who can't say whether your naughty or nice). I would expect some punitive action. That seems to be missing here. Microsoft has made billions by exploiting its monopoly position and this proposed settlement seems to have no problem with them keeping it. Most bank robbers don't get to keep their loot, why should monopolist? Without the addition of some substantive punitive action, this proposed settlement rewards Microsoft's previous misdeeds.

Let me just add one thing further. Not to long ago the Justice Department seemed to have Microsoft on its knees, from the terms of this proposed settlement things seem to be the other way round now. Any speculation as to how this could come about in such a short time, and whether any laws were broken, is left to the reader as an exercise.

Thanks you for your time and consideration,

Scott Sesher
703 S. Sunset Lane
Raymore MO 64083

MTC–00017374

From: Jonathan Rippy
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Per The Tunney Act I am emailing my comments on the Microsoft Settlement.

The proposed settlement is a bad idea. It is totally and completely a pro Microsoft Settlement; in their favor, without sufficient compensation or remedies for their violation of the Sherman Anti-Trust Act. In essence, settling for what Microsoft thinks it's own punishment should be and thus allowing them ways to circumvent and remove themselves from the penalties.

Dan Kegel provides some excellent insights into how this situation should be remedied. I offer a link to his web site for your review. http://www.kegel.com/remedy

I agree with his conclusion, namely that the Proposed Final Judgment as written allows and encourages significant anti-competitive practices to continue, would delay the emergence of competing Windows compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Thank you for your time and attention in these matters.

Sincerely,
Jonathan Rippy

MTC–00017375

From: John Silver
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I think the proposed settlement is bad idea. It does little to punish Microsoft, does little to insure they will ''toe the line'' moving forward, and does not address the substantive issues which lead to creation of the Microsoft hegemony in the first place.

The settlement is little more than a wink and a nod towards corporate malfeasance, and an abrogation of the duties of the responsible government agencies.

I thank you for your consideration.
–John Silver

MTC–00017376

From: Jason Henriksen
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. This settlement is widely perceived as a non-punishment for Microsoft. By allowing this settlement to go forward, the government sends the message that it is ok to break corporate law because you will not truely be punished for it. Many computer enthusiasts and business people are watching this trial and will base future behaviour around the outcome. If Microsoft is given a non-punishing settlement, people wil reason that it is ok to commit a crime so long as you have the the clout to avoid punishment. The courts must enforce a real punishment on what has been proven to be a real crime. If the courts do not enforce a truely behaviour changing penalty on Microsoft the rule of law over corporate america will be drastically weakened. A capitolist system depends on the rule of law to ensure a level playing field and promote competition. The people of the United States have charged the justice system with ensuring fair capitolist competition. Please do not let us down.

Jason Henriksen President, Hardy Henriksen Hughes Consulting Inc.

MTC–00017377

From: Chris Jeffries
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I believe that the following passage expresses my general concerns regarding the proposed settlement between the Department of Justice and Microsoft. I am sure that if I were to more completely research the agreement I would find even more which disturbs me; however the implications outlined below are quite disturbing even when unaccompanied by the rest of the settlement.

Thank you in advance for your time.

Sincerely,

Chris Jeffries

Taken from Robert X. Cringely's article published on December 6, 2001, at his website

(http://www.pbs.org/cringely/pulpit/pulpit20011206.html):

''Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: ''Microsoft is guilty.''

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section Ill(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no fights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here.

But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.''

MTC–00017378

From: Biker Grrl
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sirs,

As a US Citizen, I would like to take a moment to share my opinion on the proposed Microsoft Settlement as per my legal rights according to the Tunney Act. There are so many things wrong with this settlement that I don't know where to begin.

Although I believe that forcing Microsoft to make Window's API available to competitors is a start, the settlement gives Microsoft far too much leeway in determining who deserves this information. Why does the court assume that Microsoft will do the right thing here when they have violated the law so blatantly in the past ? Microsoft could refuse to share the Windows APIs with any company it wanted. This settlement would force many companies/organizations to take Microsoft to court to get these APIs. Frankly, these small lawsuits would be of little consequence to Microsoft. After all, litigating against the behemoth has drained the states coffers, what chance does a small to medium sized business have against it ? On that topic, I am outraged that Microsoft isn't being penalized for their illegal activities. Do drug dealers get to keep the money they made from the sales of their illicit substances ? No. Why is it that Microsoft made millions of dollars gauging customers on the price of their products because they were leveraging their Monopolistic power and yet get to keep every penny. Ironically, it is that money that is buying their way out of this. And don't think for a second that their donation to the schools ordered in the civil trial is a penalty. Let's face it, its an opportunity for the giant to gain market share in the only area they don't own. Here's an idea: how about Microsoft is forced to pay the states for costs associated with the lawsuit. As I see it, taxpayers have gotten screwed twice on this. Once when we were gouged on the software and again after we had to pay to take them to court to stop their terrible practices. How about we right this wrong and make them pay court costs ? I could continue on for quite some time about the problems with the proposed settlement, but I believe my previous arguments are sufficient to indicate that I am very much against his settlement. thank you for your time, Mindy Billingham 532 Tibet Rd Columbus, Ohio 43202.

MTC–00017379

From: Jason Robinson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

To whom it may concern My Name is Jason Robinson. I am a US Citizen, age 26. Beyond those facts, no amount of justification should be necessary to accept the following as valid opinion. I do not agree with the currently proposed settlement. While it does appear to solve a few problems that led to microsoft becomming the Monopoly that it currently is, it does not propose adequate restrictions to bring back fair competition to the arena of computer operating systems, nor does it propose adequate repercusions to Microsoft for their past injustices. I am not a microsoft hater. I use their products every day just like you.....wheter we like it or not. Please provide a remedy that will provide just penalties to a company of Microsoft's size and wealth, and will restore the ability for companies and individuals to gain entry into the Operating System Market. Thank you for your time, Jason Robinson

MTC–00017380

From: Vijay Brian Gupta
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: ''Microsoft Settlement''

First off, I would like to have my comments listed anonymously if possible. (I imagine many folks are holding off from contacting you for fear of upsetting Microsoft) It seems to me that the proposed settlement seems to be pretty useless in preventing future abusive behavior from Microsoft. Look at this way: Microsoft is a monopoly, they have been shown to abuse

that monopoly power in the past, despite court injunctions and consent decrees. My question is, how can this really to be solved without some sort of drastic measure. I.E.: Splitting up the company, or at least force them to standardize and release ''ALL'' APIs, protocols and file formats to the public. (No exceptions, especially security) The problem with the settlement is that it is incredibly vague, and allows Microsoft to basically go about business as usual. (They have proven through past behavior to have little concern for the intent of the law, and will bend and occasionally outright break any rules). You don't have to be a technology wizard to see this. Why does this bother me? I have been using computers for almost 20 years, and have seen the industry evolve and grow. I have known of, and followed many technologies since then, including those of Microsoft. Microsoft has systematically destroyed great technology after great technology. (More accurately, they destroy the company that invented the great technology, and ''invent'' it themselves). This was a way of life for them when they were a smaller player, and wasn't really breaking the rules. (It may have been consider playing dirty, but it was legal) Now that they are truly a monopoly (as proven in court) they must be held accountable for these actions. (As well as prevented from doing so in the future.) It is one thing for Microsoft to be able to spend more money on R&D to attempt to build a better product (Which invariably they seem to eventually pull off, after the innovator of said technology is destroyed or bought out). But for them to use bundling and such to extend their desktop monopoly into new areas is unforgivable. If they were required to sell these products separately like their competitors, It would keep their competitors alive longer so that thriving competition will keep products improving and the pressure on the monopolist to innovate. Not to mention, keep the incentive for innovation alive. One more point to consider in the proposed settlement is that Open Source applications and competitors are excluded from protection. (Check Section III(J)(2)... Competitors must meet Microsoft's criteria as a business for the settlement to apply. They must not bundle, they must release all API's, protocols and file formats to the public (and comply to these standards as released, only being allowed to change them if they publish the changes first.) If this is deemed too much to keep track of and non enforceable (being a drain on DOJ resources), I suggest you follow the original plan of breaking up Microsoft into separate companies. Please come up with a more equitable solution then has been proposed. (More enforceable, specific, and drastic).

Thank you,

Brian Gupta US Citizen

MTC–00017381

From: Rick Pufky
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to add some comments about the Proposed Settlement for the Microsoft Antitrust case. I do not believe that the Proposed Settlement will not effect many changes in its current state.

One area where a more fulfilling settlment could be made is in the area of Windows APIs. Currently, the definition of an API, in the Proposed Settlement, is too restrictive to be of any use. The current definition in the Proposed Settlement defines the API as an interface between Microsoft Middleware and Microsoft Windows. This definition does not include any of the other Windows APIs that are used by other applications. By changing this to include ALL Windows APIs, will open up the software field to other developers who have not previously had access to these APIs.

This is just one example of the changes that could be made to the Proposed Settlement to level the field between Microsoft and other software companies.

Thank you for listening,

Richard R. Pufky

Rochester, NY

MTC–00017382

From: John Biederstedt
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Under the provision of the Tunney Act I would like this communication to be considered to be a complaint against the proposed settlement. The proposed settlement relies on definitions which deviate from the court's finding of fact in respect to operating systems, middleware, application programming interfaces, and software. The settlement's definitions are narrow enough to allow Microsoft to utilize restrictive licensing and concealment of APIs to protect and extend its current monolopy in some cases by simply changing the versioning format of a middleware software product. Clearly, the proposed settlement will not significantly prevent Microsoft from continuing its harmfull monopolistic bahaviour.

The proposed settlement also does not even try to address problem of undisclosed file formats which earlier courts found to be one of Microsoft's tactics to protect its monopoly. I do not beleive the proposed settlement will remedy or improve Microsoft's monopolist practices.

As a further comment, I find it disheartening that a corporation can so selectively choose its final legal remedies after violating US law.

MTC–00017383

From: Peter Vessenes
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Dear US DoJ,

I'm a business owner who uses a mix of closed and open sourced products, and I believe that the PFJ for Microsoft is bad for my business (10 employees), and bad for the economy as a whole. A significant percentage of the US population is employed by a small business—While I don't claim to speak for all small businesses, I imagine my situation is a common one.

I'm not a lawyer, and I can't analyze the PFJ in any legally meaningful way, but I do know what things are bad for my business. The letter at http://www.kegel.com/remedy/letter.html details much better than I could many problems with the PFJ.

For example, the note ''The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents'' is astounding to me. As a small business, each new computer costs us about $1,000, or about 10% of our hiring and training costs. If we add in the costs for Microsoft operating systems and applications, that number rises to about $1,800—8% of our cost for hiring an employee go directly to Microsoft!

The straight truth right now is that there are no competitors to Microsoft in the Office arena, which offer sufficient functionality to run our company. Our business must have software that reads and writes standard Microsoft Office file formats if we are to connect with other companies. Open Source programs like StarOffice keep up with Microsoft's changing file standards as well as they can, but it's a part of Microsoft's strategy to introduce backward incompatibility in software products.

This only hurts the economy, and finally the consumer! I do not need the new features of Microsoft Office XP, in fact I would be quite content to use the features found in Office 97, or Office 95. What I do need is to be able to send and receive documents in a format other companies can understand.

If Microsoft were to open their file formats, by writing _complete_ technical descriptions of them, other companies would be able to introduce competing products which could interoperate, thereby nullifying one aspect of Microsoft's Office monopoly in corporate America. The competition would reduce the cost of those software products, and let me put my money into things like salary and corporate giving, rather than Microsoft's multi-billion dollar cash coffers.

Thank you for your time! I would be pleased to discuss this matter with you further if you are interested.

Peter Vessenes

President, Ybos Corporation

617–621–7787

http://www.ybos.net

MTC–00017384

From: Greg Licon
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

Please don't allow this case to be settled without the separation of Microsoft from Windows. They can still make or break a company just by entering the market. Look at WebTV, Netscape, (Sony PlayStation soon), and numerous others.

One of the reasons Apple can't get beyond 5% market share is the applications barrier. Microsoft makes Office and Internet Explorer for the Mac...other than that there are no current enterprise applications written by Microsoft for the Mac platform or any other platform except Windows. If Microsoft had Windows taken away from them there would be no bias against which platform to develop their applications and the platforms could each compete with a level playing field. Greg Licon Concerned Professional (925)825–4765

MTC–00017385

From: Charles Kerr
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the Revised Proposed Final Judgement in the Microsoft antitrust trial. While it is an improvement over the previous proposal, the revised proposal still has many stipulations that are unlikely to be enforced.

Here are the stipulations that I find questionable, from section III, ''Prohibited Conduct'', of the revised proposal.

A. ''or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration)'' This does not address the possiblity of Microsoft witholding existing forms of non-monetary considerations from OEMs for supporting non-Microsoft products.

A. 2. ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;'' Does not address the possiblity of an OEM shipping some computers without any Microsoft Operating System at all.

C. 1. ''except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.'' Microsoft could claim that a product that competes with their own product has a prohibited type of functionality. It's easy to take two programs that provide a similar, but not identical, functionality and add the difference to the list of prohibited functionality. To be plain, I don't see what possible positive use this condition could have. Surely if the OEM wants to add value by including software, that's should be the OEM's decision?

C. 3. ''Launching automatically ... any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time'' Seems to allow Microsoft to limit middleware functionality to only the set provided by Microsoft middleware.

If a .NET competitor added extra functionality for a competitive advantage, could an OEM be restricted from bundling it?

C. 3. ''provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.'' This forces competing software vendors to follow Microsoft's lead in these type of products and again seems to restrict functionality to only that supported by Microsoft middleware.

D. It's been commented on elsewhere that this section allows Microsoft to shut out noncommercial concerns, such as Free Software projects and government agencies, from docuementation. The definition of ISV seems to be wide enough to address these concerns, but I include this point here in case my interpretation is in error.:)

E. ''and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product.'' This clause seems to add a loophole without any apparent benefit.

F. 2. ''Except that Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.'' What is the interpretation of ''reasonable''? Would it be reasonable, for example, for Microsoft to place limitations on an ISV's ability to distribute Linux if the ISV entered into a contractual obligation to distribute Windows?

G. 1. This stipulation is contradictory. It claims that Microsoft may not enter into a contract that will force the other party to exclusively or favorably deal with Microsoft products as opposed to competing products. Then it says that they actually can do this as long as they can provide numbers that show it is reasonable to favor the Microsoft product. Since Microsoft has such a large percentage of the market they will always be able to produce numbers that show this. The DOJ must never let them enter into an agreement that removes the other parties right to use a competing product.

H. 3. ''without first seeking confirmation from the user'' The entire idea of automatically altering an OEM's configuration of icons, shortcuts, or menu entries seems to be nothing more than a way of circumventing section III C, and should be prohibited. Barring that, there should be constraints on what form this confirmation will take. Will it pop up each time Windows is booted after the first 14 days? Will it be explain the choice, or simply say ''Your Windows configuration may not be correct. Would you like to correct it?''

J. 1. This clause would seem to break other interoperability clauses. How, for example, will third-party tools be able to interoperate with the Microsoft platform if the authentication protocols are closed?

J. 2. ''(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' ''(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface''

This condition will allow Microsoft to close off documentation from free software developers, such as Linux and its tools like Samba. These are non-commercial programs, and therefore have no ''business need''. Likewise, not many free projects will have the funds to comply with J.2.(d).

Moreover, this agreement only limits Microsoft's future behavior. It does nothing to punish them for past behavior that has been found to be anticompetitive.

Thank you for your time.

Charles Kerr
Software Developer

MTC–00017386

From: tkeith@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: U.S. v. Microsoft
Re: U.S. v. Microsoft

It is ironic that the FBI has moved to prevent Enron from destroying documents, yet Microsoft which was declared guilty by our Federal judiciary system has succeeded in invoking Constitution liberties which were intended for the sole protection of individuals against strong interests, to advance their own corporate greed. Why is it that Enron is dirty rotten scum, yet Microsoft has somehow gained the confidence of the masses, that even Conservatives commonly believe that Microsoft is an example of the little guy who made it big.

Regards,
Tim Keith
28501 Bonn Mountain Drive
San Antonio TX 78260
CC:tkeith@mindspring.com@inetgw

MTC–00017387

From: ross.wentworth@
ascentialsoftware.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft Antitrust case, if implemented, would be an outrage. Microsoft has consistently shown contempt for the law by acting as if they are not bound by any settlements. Furthermore, the settlement would not punish Microsoft for illegal behavior they have been found guilty of, nor would it prevent any future anti-competitive actions by Microsoft.

A reasonable settlement would include the following at the minimum:

1. A fine of no less than one billion dollars, CASH, no donations to public schools in obsolete hardware and Microsoft software, which would only further Microsoft's monopoly.

2. Break Microsoft into two companies, seperating the operating system portion from all other software divisions. Internet access 3. software such as ''Internet Explorer'' should never be considered part of the operating system.

4. Require Microsoft to make the operating system API publicly available in full.

5. Disallow the non-OS divisions of Microsoft from using hidden/non-public API features.

6. Disallow exclusive OS contracts with retailers and OEMs. This was attempted before, but was ignored by Microsoft.

7. Require Microsoft to implement uniform licensing fees and to the pricing system public (to prevent further abuses of point 6).

Thank you for listening.
Rossz Vamos-Wentworth
Dublin, California
925–803–8310

MTC–00017388

From: Bill Amend
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

To whom it may concern,

I have been informed that under the Tunney Act, comments from the public may be taken into account. This is to express my unease with the proposed terms of a settlement with Microsoft over its monopolistic practices. It seems clear to me that any settlement must favor Microsoft's competitors more than what is being proposed.

Please reject the proposed settlement terms.

Sincerely,
William Amend
Kansas City, MO

MTC–00017389

From: David (038) Laura Totten
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft settlement

Most, if not all, countries want to have companies like Microsoft. Some countries even work with their industries to develop dominate industry positions. It is bewildering to me that our government, via lobbyist money, is trying to interfere with business. This interference can only lead to higher prices to the consumer, while our legal system and other governments bleed money and resources away from business (Microsoft). In effect, our government is harming its own citizens and country while trying to ???spin??? this action as protection. Protection from what—better value, better pricing and better competition?

It is a mystery to me why the federal appeals court did not throw out the whole case Judge Thomas Penfield Jackson was involved in. This judge was prejudice against Microsoft before the case began. According to our legal system Microsoft can not even give away its product to the needy or to the schools. Who is the judicial system trying to help, the citizens or special interests? I do not believe Microsoft is harming US consumers. I do not believe business should not be run by lobbyists in the government. Allowing competing companies to, in effect, lobby the judicial system to gain advantage can only hurt consumers and our economy.

The problem is some other companies did not, and do not, compete as well as Microsoft. Microsoft is only dominate in its operating system and office software. It appears that competitors to Microsoft want an unfair advantage so they don???t have to be as competitive. This harms a free economy.

CC:Daryl Totten

MTC–00017390

From: Marv Pribble
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

I am a software consultant. I am aware everyday of the increased cost of doing business caused by Microsoft's monopoly. Many of my customers would be much better served in a more competitive environment. The proposed settlement is an insufficient solution and should be modified to ensure competition.

Marv Pribble

MTC–00017391

From: rich@lesh.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft Settlement

Hello,

I am writing because I believe that the proposed Microsoft Settlement is a very bad idea.

You are obviously aware of all the arguments on both sides so I won't go into them all. But basically my opinion is this... Microsoft is a convicted predatory monopolist. They have not admitted to their wrongdoing, do not seem to understand what they have done wrong and continue to figure out ways around the law to monopolize other markets. They have been convicted more than once, one would think they would learn. Because of this, a behavioral remedy is out of the question. It is too costly and difficult for the court to manage, and as Microsoft's past behavior has shown, they will work around the remedy.

A structural remedy is the only effective solution. To restore competition to this market and to stop the predatory behavior, Microsoft must be broken into competing OS and Applications companies, maybe three OS and three Applications companies. This worked in the Standard Oil case and monopolizing the computer market is equivalent to the wrong Standard Oil did in monopolizing the oil market. The computer market is as critical to our economy as the oil market was 100 years ago. It can not be left in the hands of a twice convicted monopolist for the sake of our economy. Breaking Microsoft into an OS company and an Applications company as was the previous remedy is flawed because it creates two monopolies. It is as bad as the AT&T break up which did not create competing entities with the regional Bells. The whole purpose of anti-trust laws is to restore competition. Please do this by breaking Microsoft into competing units.

Rich Lesh
St. Peters, MO
Software Developer, Small Business Owner

MTC–00017392

From: Ralph Rodkey
To: Microsoft ATR
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

I'm a Computer Science major at a small private college in Indiana, so these Microsoft hearings have a potentially serious impact on the landscape of the industry that I've chosen to spend the rest of my career in. I have several major concerns concerning the Proposed Final Judgment. First, I would love to see the middleware APIs opened, but the Proposed Final Judgment has flawed definitions that would allow Microsoft to easily re-close the APIs by changing version numbers. Second, the provisions concerning OEMs do not limit Microsoft's ability to extend its monopoly, specifically on Intel hardware. Third, and most important, no consideration is made of any Open Source software. The PFJ only places limits on commercial operating systems. Microsoft itself has stated that Linux is its prime competitor at the moment, yet the PFJ makes no mention of limits in this area. I consider this issue to be extremely important. The developers of Open Source generally work on their own time and money, and thus have nothing approaching the resources that Microsoft can bring to bear, both financially and legally. Many cutting-edge technologies are developed through the Open Source process, and allowing Microsoft to subsume this would be a grievous hurt to the entire industry. Please consider these issues, and thank you for your time and effort.

Ralph Rodkey
rodkeyrr@rose-hulman.edu

MTC–00017393

From: Jannes Pockele
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Dear Sir, Madam,

I would hereby like to express my doubts about the effectiveness of the proposed settlement in the Microsoft case. I am sincerely concerned about Microsoft's position in the software market, and I don't believe the proposition lives up to the harm done in the past, nor does it provide enough of a remedy for the future. Mellow as it is, half a punishment will reduce itself to no punishment at all with a company that has the financial power Microsoft has; words will be bent, restrictions circumvented, new tricks will be learned, and legal statements adapted, reducing what's already too small a price to pay, to basically nothing. Strong, adequate measures should be taken against Microsoft—being fully accountable for their actions—so as to ensure that at least something's left after Washington lobbying and stretching legal phrases beyond recognition. It should not be let off easily, clearly still not having understood the message.

Kind regards,
Jannes

MTC–00017394

From: Erin Towner
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

proposed settlement is bad idea.

MTC–00017395

From: Sasha Zucker
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement for the Microsoft anti-trust case is a bad idea as it does not even begin to address problems caused by the monopoly in the operating system and web browser industry that the aforementioned corporation has been found to possess.

thank you,
Sasha Zucker
szucker@mac.com

MTC–00017397

From: Damon Richardson

To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: MS Settlement.

I find that I am outraged over the purposed settlement with MS.

There are too many loop holes. And as I read it... It's in favor of MS. I feel that many of the terms in the document will actually help Microsoft keep control of their monopoly.

I also feel that the persons in charge of the proceedings are not qualified to stand in judgment of Microsoft and lack a basic understanding of how Microsoft has conducted it's self in regards to crushing competition. Also there does not seem to be any understanding of how Microsoft has used proprietary protocols to lock out NON Microsoft client software.

Thank you,
Damon C. Richardson
9810 hudson
St. Louis, MO 63119
Software Developer

MTC–00017400

From: Brian Degenhardt
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Hello.

I would like to add my comments to the proposed Microsoft settlement and point out that there are serious flaws in the settlement. For example, in section III A.2 it states that Microsoft shall not retaliate against an OEM for:

''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System...'' but it says nothing about shipping a personal computer without the Windows Operating system. Due to Microsoft's anti-competitive practices, it is virtually impossible to buy a computer that does not contain Microsoft Windows, yet the proposed settlement does not explicitly forbid Microsoft from continuing the retaliation towards non-windows computer manufacturers.

This is unacceptable.

—bmd

MTC–00017409

From: clandres@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Settlement

Please don't allow the proposed settlement go through!

The proposed settlement does nothing to stop Microsoft from continuing to maintain their monopoly illegally and, in fact, allows them to continue their illegal practices and opens markets that they haven't yet taken over.

Microsoft has wrecked a large number of companies and is attempting to take over all access to the internet!

Please, you are our last hope for freedom on the internet and our computer desktops.

Chuck Landress
2664 James Road
Douglasville GA 30135
770–947–1817

MTC–00017410

From: Jim Laurin
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

My wife and I strongly oppose the Microsoft Settlement agreement. We believe it is the government's duty to set limits and enforce penalties against companies who practice anticompetitive practices. We are very disappointed that the government caved in on this. We suspect it was for political reasons because of the short term economic results that may occur that could reflect negatively on the current Administration. As a life long Republican, I would like to see the Justice Department enforce the rule of law so that other companies don't see this as an opportunity to do the same thing.

Sincerely,
Jim Laurin & Alynn Laurin
Sunnyvale, CA

MTC–00017411

From: vorck
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement Commentary

I wish to avail myself of the opportunity made to the public by the Tunney Act and wish to comment on the proposed Microsoft settlement. The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft (see e.g. The Microsoft Windows Media Encoder 7.1 SDK EULA). Microsoft currently uses and will continue in the foreseeable future to use restrictive licensing terms to keep Open Source programs from running on Windows.

Conversely, the PFJ fails to prohibit anticompetitive license terms for development tools. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by independent software vendors to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute...the Redistributable Components...provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

The settlement simply does not go far enough to end unacceptably restrictive EULA terms.

Respectfully submitted
Frederick D. Vorck

MTC–00017412

From: Michael Spurlock
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement in the case against Microsoft is unacceptable and will only serve to further their control in the marketplace. There are many experts who are more than willing to be consultants in this case who can help achieve a fair but proper settlement. If you have any questions or if I may be allowed to assist in location and talks with said consultants, please let me know. Please do not continue with the current settlement as it is completely lacking in substance that will affect Microsoft's business practices. Thanks for your time.

Michael Spurlock
mspurlock@nc.rr.com

The opinions expressed above are mine alone and are not necessarily shared by my employer.

MTC–00017414

From: Arne Romo
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To Whom It may concern:

I am a software engineer at Hewlett Packard (my words may not represent official company position) for the past 16 years in Fort Collins, CO. I am a US citizen.

It is clear that a good attempt was made to address significant issues by the propose settlement with Microsoft.

What is equally as clear is that the settlement as written falls short of the mark at prevent MS from dancing around the letter of the settlement and still achieving the same results at they have pre-settlement. Likewise enforcement seems very weak and open to stalling tactics.

The rules are not rigorous enough and the authority/independence of the enforcement efforts is not powerful/empowered sufficiently.

—Arne Romo

MTC–00017425

From: Kristina Pfaff-Harris
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

Hello.

Just a note to say that I don't believe the Proposed Final Judgment in the Microsoft antitrust case is in the public interest, and should be re-evaluated on several levels, including enforcement mechanisms and definitions of various things.

Thanks.
Kristina Pfaff-Harris

MTC–00017427

From: Shanan Levin
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

The ''revised proposed final judgement'' is NOT a valid or appropriate solution to the findings of fact regarding Microsoft's monopolistic business practices. An enforcement authority, a technical committee and a single Microsoft internal compliance officer (that has no real power to change anything) is not a just/fair solution to the continuing Microsoft monopoly. The aforementioned entities will have no real power, other than to slap Microsoft on the wrist for competing unfairly. None of the changes mentioned in the revised proposal force Microsoft to compete in the free market, simply because they have become so widespread and ubiquitous. Over time, some of the changes called for in the revised proposal may help loosen Microsoft's monopolistic stranglehold on the market, but the amount of time is unknown. The only real way to encourage and bring healthy competition back to the market today is to

force the Microsoft policy/operation changes to include not just future products/services, but to include the products and services (ie. proprietary protocols) that helped them achieve the massive control over the (PC and software and services) market in the first place. Force existing and future Microsoft products to interoperate with non-Microsoft products using open, standard documented protocols. Only then can a real change be made to the existing marketplace, rather than giving Microsoft ample time to find other ways of controlling and growing around the revised proposed final judgement.

MTC–00017428

From: Brian Bonfiglio
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

If it weren't for microsoft, I wouldn't have a job. I support them 100%.

MTC–00017429

From: Ben Morse
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

I do not approve of the current proposed Final Judgement in the case of United States vs. Microsoft. In particular, the proposed Final Judgement does not provide enough protection for Microsoft-compatible operating systems, nor does it force Microsoft to open up their file formats, which is a key tool they've used to maintain their monopolies. I endorse the recommendations put forth in Dan Kegel's open letter to the DOJ, to be found at http://www.kegel.com/remedy/letter.html

Thank you for your time.

Ben Morse
45 Concord Ave. #31
Somerville, MA, 02143

MTC–00017430

From: Jared Kidd
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

First of all, I am NOT happy with the proposed settlement for this case. Most of the terms in this look like things that any company should follow anyway. Microsoft pushes as far as they can and when ''ped on their hands'' and told to back down they do so for a little while and then push again to see how far they can go this time. This settlement seems to put them back in their place and hold them there for a while. So where is the punishment? Microsoft has damaged this industry by suppressing innovation and competition, and slowly twisting standards so they will be on top with the only software that supports the ''standards (according to MS)'' correctly. And while all this is going on Microsoft buys some 3D patents from sgi (http://www.theregister.co.uk/content/54/23708.html). I know that SGI were the ones to sell them but anyone who is into 3D graphics and gaming would start to wonder what MS means to do with these patents. My guess would be to crush openGL, which is used on many platforms in favor of their DirectX/3D, which only works on Microsoft operating systems. They should be punished in a way that doesn't further their monopoly.

I am not running Windows as my main operating system on my home PC but with the new ''.NET'' junk and them forcing it down our throats I fear that someday there will no longer be any alternative operating systems. So I sincerely ask that you rethink the settlement and come up with a more effective plan that will hopefully restore and sustain our freedom of choice.

MTC–00017431

From: Aaron Lambers
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

While I do not have the time to go into much detail on this I must at least make it known that I believe the currently proposed settlement to be a Bad Thing (tm). Microsoft cannot be let off so easily.

Aaron Lambers
Boise, ID

MTC–00017432

From: GAMatthews03@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft suite

Along with EVERY one of my co workers, friends and family are getting pretty fed up with this government lawsuit. Its NOT about protecting the consumers, it's about giving Microsoft competitors UNFAIR advantage against MS, so that they do not have to spend research money of their own. LET THE INDUSTRY AND THE CONSUMERS DETERMINE IF THEY ARE BEING HURT. Making MS software ''open'' would create chaos for the vast majority of consumers. There would be NO stablility or responsibility.

Quit spending our taxpayers money on this lawsuit and let the companies get on with business.

Gary Matthews
131 Greenmont Ln
Cary, NC 27511

MTC–00017433

From: John Starrett
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

Please do not let the Microsoft Corporation get off easy. They must not be allowed to flood the schools with PCs running Windows to the detriment of Apple and Linux. I have how they push out other os'' when they get a foothold.

John Starrett

MTC–00017434

From: Alan Dickey
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

''I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.'' —

Alan F. Dickey—Interaction and Realization
http://www.intac.com/afdickey
mailto:afdickey@intac.com
VOX: 908–273–3232 Cell: 908–334–0932

MTC–00017435

From: Jonathan Morris
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement is not acceptable.

Jonathan Morris, CSQE
Portland, OR

MTC–00017436

From: calde@charter.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

The proposed ''settlement'' is a joke. It doesn't do anything to address what the suit was about.

MTC–00017437

From: plawson@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement—Oppose

I oppose the Microsoft Settlement.

There are many, many problems, but two key ones are:

(1) The distribution of Windows software to poor schools only serves to deepen Microsoft's monopoly while giving them a P.R. opportunity. Instead I support the RedHat proposal in which Microsoft supplies hardware and RedHat supplies the operating system software. This would be an appropriate remedy.

(2) Provisions to partially open the Windows code base are worded to exclude non-commercial software, specifically Microsoft's chief competition, Linux, from access to the code. I believe Microsoft is threatened by the GPL implementation of SMP, Samba. They plan to change the protocol enough to break Samba (thereby forcing servers to use Windows) without having to reveal their code changes to free software developers. If Windows code is to be open it should be open to all.

Thank you for your attention.

Peter Lawson
Peter W. Lawson, Ph.D.
1206 SW Abbey
Newport, Oregon 97365
pnjreid@newportnet.com

MTC–00017438

From: krukar@boolean.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

I find the Proposed Final Judgment in the Microsoft antitrust case to be a shameful sellout of all Americans. I can only hope that the reason for this is that the court is unable to understand what is being perpetrated.

For me, Microsoft's most objectionable anti-competetive practice is the ''embrace, extend, eradicate'' process used to subvert various public standards. Examples are the intentional incompatibilities inserted into the Kerberos security protocols, Lightweight Directory Access Protocol (LDAP), and the Hypertext Markup Language (HTML).

The HTML incompatibilities have been used to force competitive internet browser programs off the market. The court should be well aware of that.

The LDAP incompatibilities are being used to take control of internet directory services in general. Directories are specialized databases which are very useful for maintaining remotely accessible user information. The Microsoft version of LDAP is at the core of their Active Directory product and .NET services.

The more computers an organization runs, the more it has a need for a directory in order to maintain the computers and network efficiently. Most companies are forced to run Microsoft operating systems for word processing, spread sheets, or other applications. Microsoft operating systems, by speaking a special version of LDAP, force those organizations to use a Microsoft directory product (Active Directory) or a Microsoft directory service (Passport and .NET). Both of these products are designed to operate well only with other Microsoft products. The proof is that they could have used the standard LDAP protocol without proprietary extensions.

Kerberos is a transaction protocol for securing the data exchanged between computers. Controlling the security protocols and keeping them secret enables Microsoft to prevent any non Microsoft product from using the information. It was mathematically proven, back in the 1970s, that secret protocols do not lead to greater security. Subverting Kerberos must therefor support a business goal. The message is that by controlling the protocols for exchanging data, Microsoft controls who and what may access that data. That is a major threat when coming from a monopolist.

Sincerly
Richard Krukar
4717 Bali Ct NE
Albuquerque, NM 87111

MTC–00017439

From: Moffitt, Garrett J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this email as a response to the Microsoft Settlement. I feel that the remedies proposed are inadequate as a way to re-establish fair competition in the software industry.

To bring back competition to a level it was 15 years ago, Microsoft must release ALL its API's in time for other companies to make the appropriate changes and make releases. The ruling , as it stand now, does not give companies enough time to make the changes required to stay competitive. Competitiveness should be about the quality of software, not about making changes that could effect up to 90% of the PCs in the US in a way that prevents competition.

Another problem with the proposed remedy is that computer manufactures will be prohibited from selling computer that have Publicly Available Software installed on it.

To create real desktop competition, Microsoft must be forced to release the specifications to all products that are part of there Office package. These should include, at a minimum, Word, Excel, Outlook and PowerPoint. Doing so would allow business and home users a reasonable opportunity to chose what products they want to run, instead of being forced to use Microsoft's ''Office''.

To sum up, the only way to actually get real competition going in the computer industry is to force MS to release all there APIs in a timely manner, allow computer manufacturers the opportunity to install Publicly Available Software without penalty from Microsoft's License, and to completely open up Microsoft's ''Office'' product for not less then 10 year. I believe this must be done for the sake on the consumer.

Thank you for your time,
Garrett Moffitt

MTC–00017440

From: ssparish@mail.pittstate.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

Department of Justice Representative,

I believe the proposed settlement with Microsoft to be insufficient in protecting consumers and other businesses from the tactics of Microsoft. In brief, I believe the settlement does not go far enough to insure that future versions of Microsoft operating systems and products can not evade the terms of the settlement.

I also believe that disclosure of API's (including the Win32 API and future OS API's) and file formats (specifically Office, but not limited to the Office products) should be required and very few limits placed on their use. These are critical pieces of information for competitors to design products that interoperate with Microsoft products.

I have submitted my name electronically to be added to an Open Letter. The letter can be found at the following URL: http://www.kegel.com/remedy/letter.html. I endorse the recommendations presented in the Open Letter of Dan Kegel and request that the Department of Justice read and consider the options presented.

There must be more considered wording in the settlement so that Microsoft can not evade the intent of the settlement. Past history says that they will look for any loop hole to get around constraints placed upon them. They operate by the letter not the spirit of the settlement.

Thank you for your time and consideration.

Scott Parish
111 S 8th St
Arma, KS 66712

Scott Parish, Systems Administrator, Pittsburg State University Peace on Earth, good will toward men? Not exactly.

MTC–00017441

From: Neil Rotstan
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To whom it may concern:

As a co-founder of a small computer and network services company, which primarily maintains networks, computers, software, and other related equipment for small businesses, it might appear that a market dominated by a single vendor would be in our favor. After all, it would mean a common platform with well-known issues that my company could quickly become experienced with and skilled at troubleshooting or preventing. However, we feel that such a situation is not at all to our advantage or, most importantly, that of our clients. Many small businesses have unique needs and very restricted budgets. Sure, it's the Microsofts, Fords, and Walmarts of the world that get all of the attention. But what really drives the business economy are the myriad small and home-base businesses operating on the hard-earned savings of a few individuals. For most of these, it's critical that they minimize the costs of their computing infrastructure while maximizing its benefit, usefulness, and performance. And let's face it: the biggest vendor is rarely the cheapest or the best. Most of my clients want to utilize alternatives wherever possible, because they're usually cheaper and better—sometimes even free and superior. Competition in the market place not only provides a better opportunity for my clients to choose a configuration of hardware and software that works best for them, it also gives my company an opportunity to provide that service. It makes everybody happier all-around.

It's easy to believe that the effect of lack of competition in the software market is limited to software. But its not: it's incredibly widespread, and very detrimental. Not only are consumers and small businesses deprived of choice, and not only is Microsoft given the opportunity to produce poorer software and charge higher prices, but it also turns services such as those offered by my company into mere commodities. After all, if everyone has the same computing configuration, and if everyone is an expert in it, then what difference does it makes who does the work? Viable choices and alternatives let my company differentiate ourselves and make our clients happier in the process.

Most of all, competition benefits those who do decide to use Microsoft products exclusively. Because once people have a viable choice, and Microsoft recognizes this, then it must suddenly work to improve the quality, price, and attractiveness of its products—something it hasn't needed to for quite a while now.

I urge you to not allow Microsoft to walk away from this and continue business as usual. As technologies continue to integrate with each other and our society, computing will become even more critical to the success and everyday life of businesses and consumers. No matter who creates the innovative products and services to bring it all to us, Microsoft will eventually note that it's profitable and leverage its monopolies to bully itself into the niche and smother the innovators and creative thinkers. And that's not good for anybody but Microsoft.

Thanks for your time,
Neil Rotstan

MTC–00017442

From: Jim Bullock

To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

MTC–00017443

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

To Whom this Matter Concerns,

I oppose the current resolution to the Microsoft Anti-trust case. It does nothing to address the problem of Internet browser compatibility issues.

Currently Microsoft is giving away tools which make web pages offensive to users with browsers other than Internet Explorer. In many cases these sites actually cause the ''other'' browsers to crash completely. Out of frustration the user is forced to use Internet Explorer to view these webpages. And Microsoft has taken over one more user. Microsoft is clearly using their Monopoly to make as many web pages as they can usless in anything other than Internet Explorer. I do not know of anything more I can do except write this letter to you.

One Website in question: http://www.BucknellBison.com

Please try to visit this website with Netscape and with Javascript turned ON (Default)

Sincerely,
Michael McNeany
IT Director
Audio-Video Corporation
New York

MTC–00017444

From: Tim Huffman
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

I respectfully submit my comments on the proposed settlement in the case of United States v. Microsoft Corp. Unfortunately, I feel that the proposed settlement does little to put an end to Microsoft's monopoly, and has no provisions for enforcement.

I would strongly recommend that Microsoft be forced to publicly document the API's for it's various Windows operating systems, and that it be required to make publicly available any changes to those API's at least six months before releasing software based on those changes.

Publicly documenting the Windows API's does not mean that anybody could easily replicate Windows or reverse-engineer it, but it would mean that other Independent Software Vendors (ISV's) would be able to compete on equal ground with Microsoft's own software running on Windows. This is an effective solution because while it still allows Microsoft to innovate and create new products, it also means that Microsoft cannot further leverage its monopoly by giving it's other projects unfair access to secret software code.

Thank you for your time, and thank you for considering my opinion.

Timothy M. Huffman
12722 Short St.
Crown Point, IN

MTC–00017445

From: John Bryan
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

Under the Tunney Act, I need to comment on the proposed Microsoft 'settlement.

I am writing as an individual consumer, who is greatly concerned about the current and future state of the tehcnology industry in the United States and how it can hinder or elevate the well being of everyone around the world.

That Microsoft was found to be so egregiously, blatantly anti-competitive over many years, to be brought before anti-trust charges twice now, and this most recent trial so clearly demonstrating the need for genuine significant action to be taken to stop Microsoft's continued anti-competitive proactices, for which an en banc Appeals Court agreed with the Findings of Fact, and then to have this Casper Milktoast of a ''settlement'' at the hands of a new Executive administration, and concomittant head of Department of Justice, is itself a crime against the citizens of the United States of American, present and future.

How dare you!? How could you!? I can tell you I am voting anything but Republican

until this is rightly resolved. And I am an old Reaganite!! This sham of a settlement is a disgrace to the justice system at the highest level, and demostrates that corporate power carries more weight with those that serve this country as civil servants, than the true interests of the people. I am outraged.

I most emphatically agree with the problems identified in Mr. Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), summarized here:

—The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems
—The Proposed Final Judgement Contains Misleading and Overly Narrow Definitions and Provisions
—The Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
—The Proposed Final Judgement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
—The Proposed Final Judgement Fails to Prohibit Anticompetitive Practices Towards OEMs
—The Proposed Final Judgement as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written ALLOWS AND ENCOURAGES SIGNIFICANT ANTICOMPETITIVE PRACTICES TO CONTINUE, would delay the emergence of competing Windows-compatible operating systems, and is therefore NOT IN THE PUBLIC INTEREST. It should NOT be adopted without SUBSTANTIAL REVISION to address these problems.

With all Earnestness, Urgency, and Sincerity,

John Bryan
johnb@austin.rr.com
Austin, Texas USA

MTC–00017446

From: Loendorf, Chris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:14pm
Subject: microsoft settlement

I am a tax paying citizen of the United States who is extremely disappointed with the proposed Microsoft settlement. This settlement may greatly hinder future development of the computer industry, and represents a great miscarriage of justice. I don't believe the settlement will restore competition in the computer industry that has been eliminated by the illegal actions and practices Microsoft has already been convicted of.

MTC–00017447

From: Jeffrey Polaski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeff Polaski

MTC–00017448

From: david sowerby
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: microsoft settlement

A unanimous US Court of Appeals found that Microsoft had illegally used its monopoly position by preying on other software developers and computer manufacturers. Microsoft operated illegally, and any settlement that does not reflect this will just allow the company to continue this behavior. Unfortunately the proposed solution does not do this. In many ways it reinforces Microsofts monopoly, If they were found guilty of a crime (and they were) punish them and make sure they do not commit the same crimes in the future. This governments policy of allowing large corporations to do whatever they feel like with no worries about the law has got to stop.

Thank you
David Sowerby

MTC–00017449

From: James Cheezem
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: The Mircosoft settlement is unacceptable

To Whom it may concern:

After reading the proposed settlement in the Microsoft anti-trust case, I noticed many areas that do not assign damages that are in line with the damage that Microsoft has caused. As an independent software developer, I have many issues as to the quality of Microsoft's products. If I cannot have full and unfettered access to the Application Program Interface (API) of a specific operating system, I cannot use the full potential of the system that is running this OS. Therefore, Microsoft encourages badly written software by obscuring the API from scrutiny. Section J of the settlement's prohibited conduct section addresses the API and provides Microsoft a loophole to keep this important information to themselves: security. In my opinion, this is the one area of the API that should be forced to be open. Given Microsoft's poor performance in the area of security in the past, they should not be allowed to hide anything behind the mantle of ''security concerns.''

Thank you for your time.
James Cheezem
Greenville, SC

MTC–00017450

From: hrobinson@psychedout roadrally.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

Please reconsider the proposed final judgement with Microsoft, for the following reasons, as stated at http://www.kegel.com/remedy/letter.html The PFJ doesn't take into account Windows-compatible competing operating systems The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ as currently written lacks an effective enforcement mechanism.

Thank you,
Herb Robinson

MTC–00017451

From: Alistair Cullum
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Ms. Hesse,

I would like to register my disagreement with the proposed settlement in the antitrust suit against Microsoft. The remedies proposed are, on the whole, too mild, too vague and ignore the concerns of some competing technologies and smaller vendors. I urge you to reject this settlement as ineffectual.

Sincerely,
Alistair J. Cullum
http://biology.creighton.edu/faculty/cullum/
Department of Biology
Phone: 402–280–3080
Creighton University
Fax: 402–280–5595
2500 California Plaza
acullum@creighton.edu Omaha, NE 68178–0324

MTC–00017452

From: gdg@soco.agilent.com@inetgw

To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

The proposed final judgment in the Microsoft case is seroiusly flawed because it allows Microsoft to reltaliate against OEMs that ship competing operating systems. This is equivalent to allowing the schoolyard bully to bludgeon the kid who passes the basketball to someone else.

Thanks
Gordon Guthrie

MTC–00017453

From: Erin Quill
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

I must tell you that the proposed MS settlement most be changed. I've work in the Computer industry for over 15 years and the entire time I have had to put up with MS's unfair practices. I remember 10 years ago when MS was in the practice of 'Shipping' press releases for products they had not even started to develop only to stall companies from looking at competing products.

It really does not matter what you impose on MS because, just like in the past, they will not follow any rules placed on them.

They need to be stopped and be told they cannot ignore the courts as they have in the past.

Erin Quill
Corporate Technology Strategist
Novell Inc.

MTC–00017454

From: Bill Gordon
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

Hello,

I'm writing to say that I believe that settling with Microsoft is a bad idea. It is clear to me that Microsoft acted in violation of the Sherman act and that action should be taken to prevent further violation. Even now, Microsoft is pursuing ''business as usual'' and, after a settlement, we can expect it to continue. For example, the pricing for Windows XP is ridiculous given that it is for all practical purposes functionally equivalent to Windows 2000 with a few new applications thrown in.

Just some thoughts,
Bill Gordon
Vancouver, BC,
Canada

MTC–00017455

From: Jungalwala, Jay
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:16pm
Subject: Microsoft Settlement the proposed settlement is bad idea

Jay Jungalwala
12 Atherton Road
Hudson, MA 01749

MTC–00017456

From: Andrew Lasiter
To: Microsoft ATR
Date: 1/23/02 1:16pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to consumers and Microsoft's competitors.

Andrew Lasiter
531 Carver Lane
Lebanon, TN 37087–8631
alasiter@softek.net

MTC–00017457

From: Conger, Chris A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

Hi, I feel that the proposed settlement of the Microsoft monopoly is a Bad Deal. This settlement does not deal with the tying of the OS to the purchase of a computer. I don't like MS Windows, and don't think it's fair that I should be required to buy a copy with each computer I purchase. It is an additional tax on my purchase with the proceeds going to Microsoft. I use linux and don't think I should be required to subsidize Micosoft!

Chris Conger
SAIC
2109 Air Park Rd. SE
Alb, NM 87106

MTC–00017458

From: Christopher Kemp
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly oppose the settlement proposed in the antitrust case against Microsoft. I believe that their predatory business practices have caused a great deal of harm to the computer industry and American business as a whole, and that the proposed settlement does little or nothing to remedy this abuse of power, nor insure that it will not continue. Indeed, Microsoft has continued conducting ''business as usual'' even in the face of the charges against them, which I believe shows flagrant disregard and contempt for the protections put in place in our legal system. I urge you to reject this settlement, so that the courts may decide how to best remedy the situation.

With Thanks,
Christopher Kemp
Stone Mountain, GA

MTC–00017459

From: Bill Davis
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Bill W. Davis

MTC–00017460

From: Bryan Housel
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I want to express my agreement with Dan Kegel's comments on the Microsoft Settlement, found here: http://www.kegel.com/remedy/letter.html Bryan Housel, Philadelphia, PA, Software Engineer

MTC–00017461

From: John Jarvis
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

The proposed judgement benefits only Microsoft. By continuing Microsoft's monopoly technical inovation will be stunted. An adequate remedy: Make the APIs and file formats of any operating system, application program, internet program, ... that has more than 10% (?) market share subject to industry wide standards. Include a provision insuring no single firm can have more than 25% (?) membership on each standards committee. Obviously, numeric details and safeguards must be worked out.

John F. Jarvis
533 Regent Road
Augusta, GA 30909

MTC–00017462

From: Paul Cox
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

I am writing to voice support for a stonger DOJ final judgement in response to Microsoft's anticompetive practices.

Microsoft's established domination in the desktop market is now slowly working it's way into other software markets: digital media distribution, embedded appliances, video game and television entertainment, and others. Certainly ''innovation'' should be permitted and even encouraged, but leveraging on an established monopoly to raise its new products and services above normal market forces is beneficial only to those who gain wealth by the enlarged monopoly. The consumer, the market, and real innovation suffers. If the remedy the court seeks does not sanction on the court's own terms, the anticompetive practices that Microsoft continues to this day, the effort will be worst than futile. A weak final

judgement will say to Microsoft and other present and future monopolists that gaining a illegal monopoly has it's collateral damage, but the effort is worthwhile and sustainable. That could have a terrible effect on our free market system.

All of the terms in the settlement should be defined purely by DOJ and not negotiated by Microsoft. The DOJ should be ''breathing down their necks'' for years after the settlement to ensure that Microsoft is in compliance and the burden should be on Microsoft to show immediately and completely that they have not repeated their illegal conduct. And the punishment from wavering from the law a second time should be established in this final judgement; and it should be severe, all-encompassing and swift.

Please revise the proposed final judgement based on the following issues:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

Thanks for your time,
Paul Cox

MTC–00017463

From: Pablo Estevas
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Microsoft should be punished for it's actions.

MTC–00017464

From: Kerry Kopp
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

I would just like to say that I have been following the Microsoft case, read about the proposed settlement, and as a long time computer user/programmer/builder, I am not at all in favor of it in its current state. Please count this as a vote against the current settlement, as well as a vote to seek a settlement that is a reasonable punishment to Microsoft, as well as giving Microsoft's competitor's a chance to compete fairly.

Thank you,
Kerry Kopp
2051 Cliff Drive #7
Santa Barbara, CA 93109

MTC–00017465

From: Michael Greenberg
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

As a programmer, the way in which Microsoft defines its APIs is incredibly important to me. The current settlement doesn't require advanced technical notification. If I am not informed of Microsoft's changes, it hurts my business.

In addition, the majority of my computers do not run Windows, though I do develop for it (most products are in fact cross-platform, allowing the client to choose). The current settlement does not open up Microsoft document standards—which are more important to the common user than a APIs—and allows Microsoft to insert deliberate incompatibilities (as it has done in the past [Word 97 to Word 2000, for instance]) forcing users to upgrade or to at least stick with the Microsoft platform. My ability to work in an environment that I choose is hindered by Microsoft's monopolistic practices, and the current settlement allocates no repair for this.

Most importantly, however, I fail to see any real method of enforcing the proposed changes. While I do not doubt the effectiveness of the Technical Committee in finding breaches by Microsoft, leaving the solution of such practices to the legal system holds no hope for reform. Already Microsoft has spent years contesting the very terms of this settlement, and it is certainly willing (and easily able) to combat every infringement lawsuit.

The above are but three of sundry reasons that the DOJ settlement must be more forceful.

Thank you,
Michael Greenberg.
204 Prospect St.
South Orange, NJ 07079

MTC–00017466

From: Norris Lauer
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I do not like the minor hand slap that Microsoft is going to get with the proposed settlement.

Norris Lauer
2908 white oak drive
Plano, TX 75074

MTC–00017467

From: Fred A. Miller
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

The existing settlement with Microsoft is a sham. The best interests of all consumers has been severely injured.

Fred A. Miller
Systems Administrator
Cornell Univ. Press Services
fm@cupserv.org

MTC–00017468

From: Achim Wengeler
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement January 23, 2002 A.G. John Ashcroft U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft,

I would like to begin by saying that the antitrust suit against Microsoft thus far has not yet affected my business. But I don?t know what the future will hold for my technology-based business if litigation was to continue. I believe that the settlement reached between Microsoft and the Department of Justice is a rational and even-handed.

Even thought the settlement may seem to stifle free enterprise, it is better to settle this case and move on to other pressing matters. The settlement implements the establishment of a three-person ''Technical Committee,'' which will monitor Microsoft's compliance to the settlement. Microsoft has also agreed to make all future versions of its Windows operating system to be compatible with non-Microsoft software.

I strongly advise you to put an end to this money-wasting issue. It is a time of peculiar difficulty in our nation's history; it would be beneficial to cut out any unnecessary spending. It is vital that this settlement is finalized.

Sincerely,
Achim Wengeler
Director of Special Projects

MTC–00017469

From: Will Grzanich
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

Dear Judge,

The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case. A unanimous US Court of Appeals agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. The bottom line is that Microsoft operated illegally, and any settlement or resolution of this case should make sure the company cannot continue its anticompetitive behavior. Unfortunately the proposed solution does not do this. In many ways, it actually reinforces Microsoft's monopoly, and does nothing to restrain Microsoft from acting illegally again in future markets.

Indeed, Microsoft has already shown they intend to continue to piggyback off their illegally obtained operating system monopoly to crush more markets. As an example, look at the ''give away'' of millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP—and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision, and lower courts found this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any sort of meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system;

nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct... [and] .. terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset.

Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly. Finally, the proposed settlement does nothing at all to address the issue of effective remedy along side enforcement. the proposed penalties are ludicrous—an extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). In sum, this settlement is wholly inadequate, and should be rejected and the DoJ and the States should be directed to follow the rulings of the Circuit Court and lower courts when crafting a settlement, instead of ignoring the findings of fact and law, and currying favor with an unrepentant lawbreaking monopolist.

Regards,
William Joseph Grzanich II
3854 N. Damen Ave, #1
Chicago, IL 60618
(773) 832–1394
wgrzanic@yahoo.com

MTC–00017470

From: Jlawrence@tacfuel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

Please proceed with caution with regards to your proposed settlement with Microsoft. It is, indeed, a very BAD idea. Better remedies have been thought up, yet no attention is given to them. DO NOT allow Microsoft to provide schools with anything; this only increases market share. Strip the browser, and restore competition. And by all means, make them stick with it!

Josh Lawrence
Help Desk Services
Truman Arnold Companies
(903) 794–3835

MTC–00017471

From: David Rysdam
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

David Rysdam
8 Westchester Drive
Milford, NH 03055

MTC–00017472

From: Paul Gardner
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed settlement is a bad idea. It would enable Microsoft to strengthen it's current monopoly and enable it to do even more damage to the public interest than it already has.

For the good of everyone 3rd parties must be able to produce new and replacement software components for monopolist Microsoft's systems. Toward this end Microsoft must be forbidden from impeding the development, distribution, sale, or use of non-Microsoft components in any way, and further must be required to COMPLETELY disclose ALL component interfaces. ''Component'' and ''interface'' should be broadly defined by the settlement, with specific instances left to the judgement of a disinterested watchdog, NOT Microsoft itself.

Sincerely,
Paul Gardner
Software Engineer

MTC–00017473

From: Joel Carr
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

Microsoft has hurt too many companies and individuals to be let off the hook this easily. I am for a much heavier penalty for the company possibly even splitting the company up.

Joel Carr
jecarr2@mac.com

MTC–00017474

From: Boykin, Dennis
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

I am writing to voice my personal objection to the proposed settlement in this case. As a practicing professional in the information technology industry, I have seen first-hand the damage caused by the anti-competitive actions of the Microsoft corporation.

I have three specific areas of disagreement:

1) Lack of enforcement: The proposed remedy does not, in any fashion that I could determine, deter the Microsoft Corporation from continuing it's monopolistic practices. They have proven, time & again, that it is in Microsoft's best interests to disregard the laws of the United States, and the best interests of the industry. Isee nothing in this document that forces them to change the way they do business.

2) Middleware & Interoperability: (Sections III H.3, III J, and specificaly III J.2.c) does not take into account that substantial amounts of today's software is developed on a non-commercial basis by nonprofit groups and volunteers. As I read this document, open source groups have no standing, and therefore are at risk to be put out of business by the monopoly. In it's current form, this remedy allows Microsoft to INCREASE it's market dominance, and continue it's monopolistic practices.

3) Veto power: According to the proposed remedies, Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses). ANY solution that allows the Microsoft Corporation to determine who does, and who does not, qualify to receive API's is unconscienable.

SUMMARY: The Microsoft Corporation has been found guilty of anti-competitive practices; it has settled a similar case ten years ago, and now the government is allowing the guilty party to choose it's punishment? What's wrong with this picture?

I recommend that the judge reject the proposed settlement outright.

Dennis B. Boykin IV
Vice President, Operations
NCI Information Systems, Inc.
1–888–409–5457 (Toll Free)
(703) 903–0325 (Switch)
(703) 903–9750 (Fax)
(703) 346–4857 (Cell)

MTC–00017475

From: Ed.Dale@ey.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:16pm
Subject: RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

This article against the proposed settlement was published in a well respected journal of the computer field.

Ed Dale
Ernst & Young Center for Business Knowledge
1200 Skylight Office Tower
1660 West Second Street Cleveland, Ohio 44113
Work Phone: 216–583–1116
Fax: 216–622–0199

RUSSELL PAVLICEK: ''The Open Source''
InfoWorld.com
Wednesday, January 23, 2002
REWARDING PUNISHMENT

Posted January 18, 2002 01:01 PM Pacific Time

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00017476

From: Phillip Padden
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I have read the proposed settlement and feel it does not truly represent the will of the people on this matter. From my experience most windows users belong to a camp that thinks dammed if we do dammed if we don't. They do not believe their is an adequate alternative to windows. This proposal does not face this issue at all. MS will continue to hold the power of a monopoly as long as the consumer believes they are the only thing, alternatives must be made visible to the public. Until the public believe that alternative exist MS must be watched. For this reason I suggest an amendment to the Sect ''V. Termination'' of the proposal. The ground for termination of the TC would not be five years with a potential one year extension, instead the ground for termination would be 5 years with a potential two year extension following the fist fiscal quarter when Microsoft's Primary OS no longer has a majority of the market. That is to say when 50 % or more of the general populace use an OS other Microsoft XX. Microsoft can still maintain the largest piece of the pie, however it's piece can not exceed 50%.

Phillip Padden

MTC–00017477

From: Rick Wittstruck
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

In regards to Microsoft settlement, I feel that Microsoft has clearly abused its monopoly power over the computer industry and harmed U.S. consumers. Microsoft has been found to be at fault in a court of law, and now it's time to determine the penalty. The individual consumer has little ability to protect themselves against gigantic corporations with billions of dollars in the bank. That's where the U.S. government comes into the picture.

You are the only hope of the U.S. citizen in protecting fair commerce. If the U.S. government willing lets corporations have their way (and many people already think this is happening) then the government may find someday that the great unwashed masses have turned against it. We pay taxes for a government that represents the citizens, not corporations. In the most recent presidential election, approx. 50 million voted Democratic and another 50 million voted Republican. Those are large numbers of voters, but even the combined number of voters of approx. 100 million is smaller than approx. 180 million Americans who chose not to vote.

Letting Microsoft off the hook will not do much to convince Americans that their government is OF, BY, and FOR the people, not corporate profits. The U.S. government works for its citizens, and if the courts have found Microsoft business practices harmful to citizens, then punishment is required. Do NOT backpedal, debate, or appease Microsoft. They are so feared by competitors that some refuse to comment on Microsoft's business practices! This is not the American way of doing business, by any stretch of the imagination.

Firmly believe Microsoft should be PUNISHED to the full extent,

Rick Wittstruck

B.S. in Computer Science, University of Nebraska-Lincoln, 1993

6501 Yankee Hill Road

Lincoln, NE 68516

MTC–00017478

From: Bruce McFarland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

To Whom It May Concern,

The proposed settlement with Microsoft shows me that:

1)Microsoft can buy anything they want

2)Justice is dead in America unless you have big money to purchase it with

3)The executive branch of government is more interested in campaign contributions than punishing wrongdoing

4)The Microsoft monopoly, with government support, will continue it's stranglehold on the computing industry

5)The previous government ''settlement'' with Microsoft shows that Microsoft just says what the lawyers want to hear, and go ahead and do whatever they damn well please.

Bruce McFarland

125 Catalpa Ave

Wilmington, DE 19804

302–994–8850

CC:'mbmcf(a)bellatlantic.net''

MTC–00017479

From: Svein Ove Aas
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I'm not a US citizen, but I don't need to be to see that this settlement is a bad idea, both for your economy and the world's.

Don't do it.

MTC–00017480

From: tim@seakr5.seakr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Hello,

I'd like to take a few moments to comment upon the proposed Microsoft Antitrust Settlement as allowed for by the Tunney Act. I wish I had more time to research all of the factors that one comes across in trying to intelligently articulate an argument against the proposed settlement but my time is limited. However, having been a user/administrator of Microsoft software for over a decade, and having followed the DOJ case against Microsoft from the very beginning, as well as reading through the proposed settlement itself I have to say I have enough information to offer an informed opinion.

The proposed settlement is way out of proportion for what Microsoft has done to it's competitors, customers, as well as the computer software market as a whole. The proposed settlement is nothing more than a mere ''slap on the wrist'' and merely *encourages* Microsoft to continue its grossly blatent abuse of its monopoly powers without fear of any responsibility for its crimes. The fact that these nine states can even consider this to be a settlement is a

completely inexcusable waste of taxpayer money.

The problem has already been identified and affirmed *twice* in court. Microsoft IS a monopoly. The solution is to allow others to fairly compete with Microsoft so that competitive forces (i.e. consumer choice) drive the computer software market, not Microsoft's monopoly. I didn't see anything within the proposed settlement that I believed would change Microsoft enough to even make a dent in the monopoly it currently manages. Until there is some real competition in the computer market security and innovation within this market will continue to be abyssmal. Like any monopoly Microsoft only cares about its profits. As it stands, Microsoft can pretty much charge whatever it wants for it's software, the software market has little, if any input into the equation. The only way to change the monopoly's behavior is to make it unprofitable.

Again, there is nothing in this settlement that will change Microsoft's behavior because there is NO financial incentive for Microsoft to do so. I greatly urge you to reject this proposed settlement on the basis that it will neither change Microsoft's behavior nor noticably limit Microsoft's ability to continue managing its highly profitable monopoly. To consider this agreement to be a settlement in the US citizens'' best interest is a grave misjustice.

Thank you for your time,
Timothy J Flower
14861 E Adriatic Pl
Aurora, CO 80014

MTC–00017481

From: Dave Ruske
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

January 23, 2002

As a someone who has made their living developing software for the last 16 years, most of it on Microsoft platforms, I would like to offer my opinions on the proposed settlement in the Microsoft antitrust case.

Several weeks ago I received a phone call from someone with Microsoft's ''Freedom to Innovate Network.'' This person asked if I had heard about the proposed settlement, and after asserting that prolonged litigation would cost taxpayers money and be bad for consumers, he asked my opinion. When I declined to give it, he politely ended the call.

I write today because I believe the proposed settlement falls far short of what is necessary to restrain Microsoft and foster competition in the software industry. Moreover, I am deeply concerned about Microsoft's expanding reach even outside the industry. It is clear that their ''Freedom to Innovate Network'' spreads propaganda, manipulating public opinion for political gain. I expect that many of the comments you have received are the direct result of these manipulations. Will dissenting voices even be heard above the din Microsoft has created?

I do believe that prolonged litigation would be costly, and that Microsoft would fight with tenacity. Nonetheless, this fight is necessary. Not only does the proposed settlement fail to deprive Microsoft of the fruits of their past illegal practices, it is weak on enforcement for the future. Why should Microsoft refrain from further violations? By the time violations are caught and acted upon, the damage may be irrepairable to competitors and the market may be locked in to yet another Microsoft-entangled technology. As a software developer, freedom to innovate means choosing the best technology for the job. That implies choice.

Microsoft is free to innovate technology. They should not, and must not, be free to innovate new ways to skirt antitrust laws and illegally crush their competitors.

They should not, and must not, be free to manipulate any settlement to their advantage.

Respectfully,
David John Ruske
dave@ruske.net

MTC–00017482

From: Patrick McMahon
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

The proposed Microsoft Anti-Trust Settlement is a very, very bad idea. I am a computer professional employed by the University of Delaware and

I feel I must write and submit my comment on the proposed Microsoft Anti-Trust settlement.

The proposed remedy to give schools more Microsoft products is an unbelievable miscarrage and wholly inappropriate way to punish a company for monopolistic behavior! This only helps Microsofts monopolistic stance, and denys the public any right to choose the educational tools for their school systems.

There are far too many loopholes allowing Microsoft the ability to declare theire development API's closed or ''security related'' hurting all but ''sanctioned'' development on their products. The proposed settlement does very little to provide any remedy to the public for the actions committed by Microsoft to the public.

Patrick McMahon

MTC–00017483

From: Brad
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

The settlement is a bad idea. Microsoft has stifled the tech industry and deserves more than a slap on the wrist and an empty promise never to do it again.

-Brad Hall
Systems Programmer
TD/Network Systems
Rutgers University

MTC–00017484

From: alex shepard
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Please, don't make me lose what little faith I have left in my government.

Alex Shepard
Seattle, WA

MTC–00017485

From: Kent Bunn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

I think the current settlement, as it's proposed, is a VERY bad idea.

Kent Bunn
Senior Network Engineer
Access Communications
(415) 844–6282
(415) 786–3562 Cell
kbunn@accesspr.com
<mailto:kbunn@accesspr.com>

MTC–00017486

From: Jamie Yukes
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Jamie Yukes
Independent
St George, Utah

MTC–00017487

From: Matthew Sienko
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

Hello,

I have been looking at the proposed settlement in the Mocrosoft antitrust trial and have become very concerned that it does not address important issues. In the end, this settlement fails to restrict Microsoft's anticompetitive behavior and would be a very negative outcome of this case for everyone except Microsoft. I would like to reirerate comments made by Dan Kegel in his essay that can be found at the link below: http://www.kegel.com/remedy/remedy2.htm

The problems identified above with the Proposed Final Judgment can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-

Box—operating systems that all use the Win32 API and are advertised as being ''Windows
Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Please do not allow this settlement to stand in its current form as it does little, at best, to limit Microsoft's anticompetitive behavior.

Thank You,
Matthew D. Sienko

MTC–00017488

From: Jeremy Tietsort
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I would like to voice my disapproval of the proposed judegment. There are many areas where it does not serve the public interest, but I will point out one in particular.

There is no mention of remedies for the use of undocumented file formats. Microsoft uses the file format of its popular Office programs for two things. First, by changing file formats with each version, they can ensure that people using two different versions of the software will not have seamless interoperability. By doing this, if one person upgrades, then the person that they are communicating with must upgrade also.

Second, competing software currently has to figure out each version of the Microsoft file formats in order to be interoperable with Microsoft Office. This practice usually means that they are months or years behind in trying to keep up with Microsoft's ever changing format. By forcing Microsoft to publish its file formats, other competing software packages would have a chance to be interoperable and remove the current Applications Barrier to Entry.

—Jeremy Tietsort

MTC–00017489

From: xanadu@mutant.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

Dear Sir,

Considering the past record of Microsoft Corporation in failing to obey agreements concerning their abuse of their monopoly position we feel that the proposed final judgement is woefully inadequate.

Microsoft has clearly abused their monopoly position in several areas and has never shown any sign of changing their behaviour. The proposed final judgement suggests a body checking Microsofts behaviour with two out of the three appointments to that body being suggested by Microsoft, and no actual power.

This is only one of the many problems with the proposed final judgement, but it is bad enough.

Yours,

Adam and Christie Morris, Milwaukie, Oregon.

MTC–00017490

From: Bill Tonkin
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

Hello,

I am of the opinion that the Proposed Finial Judgment (''PFJ'') does not go far enough to deter Microsoft from engaging in anticompetitive conduct. My reasons for this follow:

o The PFJ's overly narrow definitions of ''API'' and ''Microsoft Middleware Product'' is likely to result in important Microsoft interfaces remaining secret and, therefore, anticompetitive barriers.

o The PFJ does not obligate Microsoft to release information about undocumented file formats. Undocumented Microsoft file formats are a significant Applications Barrier to Entry.

o The PFJ does not obligate Microsoft to list which software patents protect the Windows APIs. The threat of infringement litigation will scare away potential users.

o In the past, Microsoft intentionally created incompatibilities to discourage the use of non-Microsoft operating systems, e.g. the 1996 Caldera v. Microsoft antitrust lawsuit. The PFJ does nothing to prohibit these kinds of intentional incompatibilities from being used to create Applications Barrier to Entry.

Best Regards,
Bill Tonkin

MTC–00017491

From: rhartley@ics.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

Hello,

I find that the propsed settlement does not do enough to dissuade Microsoft from continuing its predatory practices.

They make it very hard for an honest hardworking person to ply their trade.

Software development, and computers in general are supposed to be liberating for people. They provide an opportunity for someone with interesting ideas to develop products to sell. Microsoft acts to impede the progress of others unless it helps themselves.

Thank you,
Robert

MTC–00017492

From: Kleinbach, Rod
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

The final judgment as written today is a mere handslap for a company that has covertly ruined numerous competitors. With only a five year term before termination of the judgement it would not surprise me to see Microsoft resume its predatory practices again.

MTC–00017493

From: John K. Walsh
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft does not go far enough to promote free competition in the PC market. Microsoft will be able to return to ''business as usual'' unless additional constraints are placed upon them.

MTC–00017494

From: Bill Warner
To: Microsoft ATR
Date: 1/23/02 1:21pm

Subject: Microsoft Settlement

The current settlement is a bad idea and needs to be reworked to actually punish microsoft for the crims they have commited

Bill Warner
Unix/Linux Admin.
Direct Alliance Corporation

MTC–00017495

From: Clayton S. Chan
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I can't believe you're actually thinking of letting Microsoft just walk away on this one. Haven't you guys learned from Enron yet? This settlement is an incredibly bad idea, and Microsoft hasn't changed anything about their business practices. All theyve learned is that they can buy anything they want.

MTC–00017496

From: Nigel Herbig
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft does not address any of the problems of the case. I think that you must reexamine the case, and come to a more appropriate solution.

Thank you,
Nigel Herbig
4748 Latona Ave. N.E.
Seattle, WA 98105

MTC–00017497

From: dalbuc@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I am opposed to the current PFJ.

The Court of Appeals found that Microsoft has a monopoly on Intel-compatible PC operating systems and that monopoly has significant barriers to entry. The Court also found that Microsoft illegally maintaining its monopoly, accoridng to the Sherman Act, by imposing licensing restrictions on OEMs and ISVs (Independent Software Vendors.

These violations constitute a major breach of anti-trust laws and yet the punishments found in the PFJ are so weakly constructed as to amount to little more than a slap on the wrist.

First, the PFJ does nothing to aid potential competitors in the Windows OS world. The critical API's competitors need are not required to have advance release. These competitors would not, most likely, meet the middleware requirements of having a product meet MS defined technical requirements seven months before the final beta test of a new version of Windows. So, competitors will have the burden of delivering working software BEFORE MS has to give them the information needed to do so.

Equally important, many API's do not, or at least MS could argue they do not, meet the narrow API middleware definitions.

Second, MS is under no requirements from the PFJ to release technical information on their propritary file formats. Formats like.doc, .xls and .ppt form the core or (respectively) Word, Xcel and PowerPoint.

MS's productiveity software monopoly remians wholly unchallnged in the PFJ as result of not opening these formats.

Finally, MS ''broke'' it's own OS before in order to prevent competitors'' systems from working. This references the Caldera v. Microsoft case in which MS was found to have rigged MS–DOS to prevent a compeitors DR–DOS from running middleware applications without getting errors. The PFJ has nothing in it to stop such behavior from occuring again. In a monopoly setting if MS tweaks their OS to not run competitors software most people will assume there is an issue with the competiution since ''every thing else'' runs right on MS's operating systems.

The PFJ fails to do the very things an anti-trust settlement should do—either break up a monopoly or else restrain the monopoly in such as way to create competition. From a philosophical sense, the PFJ fails becuase it fails to deliver the kind of compeitive free market environment that gives the most benefit to consumers and instead aloows a single compnay to define for the conusmer what is progress and innvoation.

The settlement must be rejected in its current form.

Sincerly,
Craig Fisher

MTC–00017499

From: Jason Shupe
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

This settlement is a bad idea . . . Let me count the ways. First it isn't harsh enough to even count as a slap on the wrist. Secondly it sends the wrong message. Thirdly it provides no remedy to any of the hundreds of companies who have been damaged or destroyed by Microsoft. Fourthly because the punishment is so weak it fails to discourage further evil by Microsoft.

Fifthly it actually helps Microsoft to cement it's monopoly by giving it entrance to schools which have traditionally been the realm of Apple. Both you and I have a limited amount of time, so I'll suspend my counting of the ways at this point.

Sincerely,
Jason Shupe

MTC–00017500

From: D Scott Grove
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017502

From: Ned Brush
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a Computer Engineer who has used both Microsoft and Linux operating systems. I feel more stringent limitations should be placed upon Microsoft. I feel the current proposed settlement still gives Microsoft too much room to exercise their overwhelming power.

It seems silly to me that the U.S. Department of Justice would so willingly accept any proposal generated by Microsoft. There appear to be many loop holes within the settlement that will only continue to allow Microsoft to crush competition. I would feel more comfortable with a settlement that had input from experts with a technological background, including Microsoft competitors.

Sincerely,
Edward Brush

MTC–00017503

From: Matt
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

I fear the Microsoft antitrust trial is deeply misunderstood, by the prosecution and the public at large. The consequences could be dire if a settlement is reached too early and in Microsoft's favor. This case has a lot in common with the trials of the railroad monopolies. By their end, public infrastructure in the form of superhighways and was at hand. People no longer depended on the railroads as the only means of transportation cross country, and federally funded interstate roads provided an alternative to moving people and goods only by tracks. The introduction and assistance of cross country roads from the government helped resist the price fixing from the railroads and gave people a choice. Ultimately that choice resulted in heightened interstate commerce and heavy population of the west coast of the United States.

Like the railroad companies, closed source operating system companies will always gravitate towards monopolistic unified control. This is in part because of the difficulty of building a new operating system

infrastructure (building a new set of cross country tracks) and partially because it lowers the parent companies costs. Any remedy must be ongoing until the United States congress sees fit to address the cost of building, obtaining, or securing a open source software infrastructure.

Any assistance from the government helps drive back the very real market force of fear of obsolescence, which helps repair the psychological damage caused by previous competition being wholly futile. Compare the argument, ''why should I buy a car when there are plenty of trains and their are no roads'' to the modern application obsolescence quandary, ''Why should I buy an operating system when there are no applications, and Windows is free?'' (Windows is not free, but that is the public perception).

Like moving goods, only when people can choose to manipulate information in the fashion which proves most efficient for them will the free market flourish. At the least, Microsoft license terms and prices must be predictable and uniform for however long it takes for a federal infrastructure to be made readily available for use by Americans. Then the market can choose once again.

Thank you for your time.

Matthew Newhall
President of LILUG
Long Island Linux Users Group
president@lilug.org
http://lilug.org
1750 Yale Ct
Wantagh NY 11793

MTC–00017504

From: Seth Buckley
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

January 23, 2002

Dear Sirs:

I do not believe that the Microsoft settlement, in its current state, will provide adequate recompense to those injured by the anti-competitive behavior exhibited by Microsoft.

From the time Microsoft was found to be monopolistic until today, their behavior has not changed. I only need to point to Microsoft's proposed settlement for their class action suit. What other company would seek to give schools the software which caused the suit to begin with?

I firmly believe that regulation of Microsoft's practices with strict penalties for non-compliance is the only solution which will stop them.

Thank you for your time,

Seth Buckley
Raleigh, NC

MTC–00017505

From: Ben Wilson
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

To a more detailed point, there is no provision against Microsoft's non-documented ''closed'' file formats. One thing that will force a user into using one certain program over another is a closed format information. Let the application that uses that data be the divining point, not the format of the information.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Ben Wilson
Systems Designer
CORVUS
Turn Process into Profit
2200 Ampere Drive
Louisville, KY 40299
(502) 214.4359 direct line
(502) 515.1920 fax
http://www.corvusdigital.com

MTC–00017506

From: Helen C. O'Boyle (091)HCOA(093)
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement
CC: Helen C. O'Boyle [ASI]

Greetings,

I am writing to note my dissatisfaction with the proposed remedies in the MS anti-trust case. I am a consultant who works as a software developer, network support engineer, educator and writer. My customer base generally consists of smaller organizations and/or individuals.

I am a Microsoft fan. I use their products daily, recommend them to customers, have an equity stake in the corporation and am a Microsoft Certified Systems Engineer and Developer. At the same time, I recognize that the company has occasionally overstepped its bounds in its enthusiasm to be at the top of the charts, and that enough people take substantial offense at this that unless SOMETHING is done to put an end to the arguments, the industry (and the government) will waste tremendous amounts of resources pursuing Microsoft without accomplishing anything. I therefore feel that some degree of remedy that discourages anti-competitive behavior while not constraining Microsoft's ability to add new, innovative functionality to its products would be beneficial to both Microsoft and the other parties involved in this legal proceeding, so that all concerned can stop spending money and intellectual capital on this.

Unfortunately, I cannot support the proposed remedy as written, for a variety of reasons both in regards to exact content, and in regards to the philosophical approach it seems to be trying to take. One specific clause of the remedy document with which I personally take issue is:

III. Prohibited conduct

D. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

The reasons I take issue with this directive are:

1. IMPRECISE SPECIFICATION OF COST. The directive does not specify a cost for this information. It is well known that MS provides access to key technologies, including Windows program source code itself (the MS Crown Jewels, to hear them speak of it) to its most significant customers. What if MS decides to limit access to the materials specified in (D), by requiring that companies spend $200,000/yr on MS products before they can have access to this material, or by charging $50,000 for it? Smaller shops, not having the $ to invest in procuring details of API's that may or may not be useful in their development efforts, would be squeezed out of access to these details, thus limiting MS'' potential competition to a ''short list'' of big businesses. (Tell me, did the AOL lobbyists, Sun and Red Hat jointly recommend this clause that carefully omitted the cost of the API information? It seems to me that it could unfairly provide a near-monopolistic advantage to those large companies at the expense of smaller ones like mine, due to a significant financial barrier of entry to the competitive information.)

2. IMPRECISE SPECIFICATION OF WHAT MS SOFTWARE IS SUBJECT TO THESE CONSTRAINTS. It leaves the door open for MS to define the boundary between Middleware and applications anywhere it chooses. So, Microsoft will use its low-level knowledge of Windows internals to build middleware-like functions into applications themselves, instead of in a separate middleware layer, and insist that those mechanisms which are part of the applications are protected as application source code, not part of the OS or

middleware. Even worse, if they embed middleware into the operating system itself, the API's that communicate between the lower levels of the OS, and the former middleware become no longer subject to disclosure.

3. IMPRECISE SPECIFICATION OF TIMELINESS. The text states that the obligations ''shall occur in a Timely Manner''. Who will determine what a ''Timely Manner'' is, and how long (and how much government/taxpayer money) will it take to do so, when Microsoft puts off providing the info? I believe that there needs to be a hard-and-fast deadline stated in the proposed remedy, that is not open for debate/re-interpretation later. For example, a more specific statement might be, ''no later than the last major beta test release of any Windows Operating System product/update, and no later than 90 days prior to the final release of that Windows Operating System product/update, whichever is earlier''. To get around the restriction in the original proposed remedy, Microsoft could release the ''last major beta test release'' the DAY before the final product is available for sale, thus giving its applications groups multiple months of head-start in using new API information, before third parties can incorporate the new API information in their own applications. In addition to nailing down the time limit involved, the remedy should recognize the ability for MS to change these API's via ''Service Packs'' or ''Updates'' to the Windows Operating System, and explicitly include the changes that result from those updates in this remedy—or things will start to slip through the cracks without being disclosed, as the court intends.

Notice that the common thread here is IMPRECISE, because it is that lack of precision that will render this portion of the remedy at best ineffective and at worst unenforceable. We've seen over and over again during this case that interpretation of even the most unambiguous statements is cause for debate by one side or the other. There's thus ample incentive to try to make the remedy as specific as possible, and as non-open to multiple interpretations as possible.

In regards to the philosophical approach that this proposed remedy seems to take. . . . Really, I (and many others in the tech community) want to see a remedy that resolves this issue for the forseeable future, because it's a distraction. That so much of this remedy appears to specifically address the browser wars, which Microsoft won years ago, is unfortunate. Microsoft has already conquered that territory with a superior product, and most savvy users wouldn't run any browser on the Windows platform other than Microsoft's. I'm sorry if that makes AOL's investment in Netscape a bad call on their part, but it's a fact of life that bad investments sometimes happen in business (especially lately, in anything related to the Internet!).

I truly believe that full disclosure of Windows and middleware API's, and how to use them, will go a long way toward preventing something similar from happening in the future, in another application domain. With disclosure, third parties will have the same access to timesaving pre-built functions that Microsoft's internal application developers have, and it'll be that much more challenging for Microsoft to produce an application that is leaps and bounds, months or even years, ahead of its competition, leaving the competition as far back in the dust as Microsoft left Netscape several years ago. It's still quite doable, but the bar would be raised. A company being challenged to succeed based on innovative uses of intellectual property is just the thing to create wins for consumers, and thus for the industry at large. The FUTURE, not hand-wringing over the past and trying to make something up to AOL and/or Sun that realistically cannot be made up at this point, and which was at least in part a problem to them because of their own suboptimal strategic decision-making, is what the remedy should be about. Thank you for considering my comments on this matter,

Helen C. O'Boyle
Consultant
Kent, WA

MTC–00017507

From: Devin Carraway
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I wish to comment on the proposed Microsoft antitrust settlement. I make these comments as a software engineer with 17 experience in the field, having developed software for many applications, including Microsoft's Windows, Apple's Macintosh OS, Linux and other flavors of UNIX. These comments relate to the Proposed Final Judgement (http://www.usdoj.gov/atr/cases/ms-settle.htm) in US v Microsoft. I urge rejection and abandonment of the proposed final judgement, as an ineffective instrument which will have make no perceptible improvement to the state of competition in the relevant computer software industries, while potentially leaving Microsoft in a position of still greater power than without the settlement. I further suggest that at the behest of the current presidential administration, the prosecution in this case is being made (directly or indirectly) to deliberately scuttle a successful case brought against this monopolist.

This settlement is almost perverse in its empowerment of the convicted party to dictate the details of its own ''punishment.'' Microsoft will be left in a stronger position as a consequence of this, free in most cases to selectively exempt itself from enforcement the prohibitions levied by the judgement.

The settlement does not even adequately address in its particulars the relevant list of operating systems in existence today—for example, exempting the most popular Microsoft operating systems, the Windows 95, 98 and ME series, from the definition of ''Windows Operating System Product.'' It also excludes likely future avenues of exploitation in other sectors of the computer industry, most notably the mobile and embedded computing sectors, by ignoring all MS products in these areas, and consequently exempting them from defense, even in this settlement's inadequate and ineffectual fashion, from Microsoft monopoly practices, both within and without.

The settlement poses a particular threat by leaving Microsoft in a stronger position than ever with respect to some of its most serious potential long-term competition, that of the Open Source movement and its products. This movement frequently arises from academic and hobbyist circles; I find it highly improbable that Microsoft would willingly acknowledge these independent engineers when exercising ''its sole judgement'' of fitness to receive API information as dictated by the proposed jugement. Microsoft has also in the past used cooperation with the Open Source movement as justification to discriminate against ISVs and OEMs, and would be free to continue to do so.

The settlement ignores completely Microsoft's application file formats, e.g. those used by the Microsoft Office productivity suite, despite Microsoft's historical use of these formats to advance its monopoly position.

Finally, and more generally, this settlement relies upon historical ignorance of Microsoft's practices—the antitrust case arose in part through their violation of the 1994 consent decree regarding these practices. Microsoft has displayed utter contempt and disregard for restriction of its behavior by the courts or the US Dept. of Justice, conduct agreements or not, and will in my estimation continue to do so under this settlement, under the shield of immunity afforded them by this agreement. It is profoundly illogical to award a convicted monopolist a settlement which amounts in all significant effects to a total capitulation of the prosecution's case.

Thank you for your attention.
Devin Carraway
Software Engineer
Berkeley, California

MTC–00017508

From: Porter, Marcus (NINDS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

I'm writing to say that I believe the proposed settlement is not only inadequate, but will lead to more and greater abuses of the same sort as it is trying to address. Please consider Dan Kegel's essay on the matter (http://www.kegel.com/remedy/remedy2.html) as I believe it clearly defines the problems with the settlement.

Thank you,
Marcus Porter

MTC–00017509

From: Stewart
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft settlement

This settlement is a bad idea!
Stewart B Lone
stewartb@snip.net

MTC–00017510

From: Wang, Daniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my disapproval of the proposed settlement in the Microsoft antitrust suit. As a California resident I completely support the efforts of the California Attorney General to press ahead with antitrust suit in the face of a stunning retreat from victory by the US DOJ.

Microsoft's antitrust violations are well documented in the Findings of Fact, and the proposed settlement is little more than a slap on the wrist that allows Microsoft to keep its ill-gotten gains and is full of loopholes that allow them to illegally maintain their monopoly.

Specifically I would like to point out a flaw in Sections III.D and III.E which relate to disclosure of APIs and communications protocols ''to ISVs, IHVs, IAPs, ICPs, and OEMs''. This complete fails to consider that much of the software that powers the Internet and one of the biggest competitors to Microsoft is free software written by individuals, non-profit foundations and government research laboratories. Apache, Samba, and BIND are three examples of such free software that need to interoperate with Microsoft and would be denied access to APIs and communications protocols under the settlement.

I urge you to reject the settlement and seek stronger remedies.

Daniel Wang
Network Engineer
Veridian Information Solutions
Email daniel.wang@veridian.com

MTC–00017511

From: Deron Graham
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Deron Graham

MTC–00017512

From: Jeffrey Goff
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Comment on the Proposed Final Judgement

Among other concerns, I am concerned with the definition of ''Microsoft Middleware Product'' in Part VI, pgh. 28 of the settlement. According to trade papers and various public comments, it is fairly apparent to me that Microsoft intends to migrate people away from Microsoft Java to the new ''Microsoft .NET'' api, which, while it is at least partially documented, is not mentioned in the definition of ''Microsoft Middleware Product.''

While the Final Judgement may have been written before the release of .NET, this is a major omission, as Microsoft has made it clear that platform developers are strongly encouraged to move to this middleware layer. This should be included within the current Middleware product.

Thank you for your time,
Jeffrey Goff,
Software Engineer at Blackboard Inc.
Jeffrey Goff, <jgoff@blackboard.com>

MTC–00017513

From: Hagerty, Edward (UK—London)
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

I believe that Microsoft's practices towards large users should be prohibited.

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local goverments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

Please do not let the settlement as it stands move forward. Why have so many found it reasonable to go to such lengths to comb over the remains of Enron, while at the same time letting Microsoft spend over 20 years manipulating the software market to their gain and their gain alone?

Thank you,
Ed Hagerty
4287 Beltline
Addison TX, 75001
Owner, General Knowledge Corporation

MTC–00017514

From: Fyffe
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft proposed settlement

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 23, 2002

Dear Mr. Ashcroft:

I am writing in support of the recent settlement between Microsoft and the U.S. Department of Justice. Although I am a Microsoft supporter, I think their heavy-handed marketing tactics needed to be tempered to protect the consumers rights. Now that a settlement is possible, I believe that the concessions agreed upon AND the one I added, will effectively allow other vendors to promote their own products and protect consumers.

Under the terms of the settlement, Microsoft has agreed to not retaliate against software developers and computer makers who develop or promote non-Microsoft products. They have also agreed to document and disclose for use by their competitors interfaces that are internal to Windows operating system products.

Futher, I suggest microsoft be required to support by toll-free telephone all of their products for 6 months after purchase and 6 months after each upgrade. And Microsoft should be required to offer continuing support toll-free for the reasonable annual fee of $25 (indexed for inflation).

These stipulations are more than fair and will ultimately be in the best interest of the American public. Especially the one I added. Please finalize the settlement and I thank you for your time.

Sincerely,
James Theodore Fyffe
3506 San Luis Street
Tampa, FL 33629
813–837–1382

MTC–00017515

From: bdbinatl@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Greetings:

I am OPPOSED to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement neither fully redresses the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement seem to only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially troublesome in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does NOTHING to correct Microsoft's previous actions. There are NO provisions that correct or redress their previous abuses. They only prohibit the FUTURE repetition of those abuses. This, in my opinion, goes against the very foundation of our criminal justice system. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is NOT justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to

reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded and, if the Court is perceived to be wrong, then faith in the Court as the instrument of justice is diminished.

Sincerely,
Bruce D Burnaman
1310 Bass Drive
Woodstock, GA 30189

MTC–00017516

From: Ted Halmrast
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Hello,

The Microsoft Settlement is an absolute failure on the part of our government to take to task a known monopolist. Microsoft has repeatedly throughout its career demonstrated unethical business practices including but not limited to the crushing of numerous competitors and introduction of a proprietary, rather than open standards-based, status quo for computing. Microsoft's monopolistic tendencies have done so much damage to the free market of software development that it is telling that the only products still around competing with Microsoft products are those given away for free under open source. They are effectively killing the technology industry by reducing the number of companies that can effectively compete. This is bad for the consumer because it reduces choice and innovation, this is bad for the worker because there are fewer jobs, and this is bad for the economy because there are fewer companies and innovative ideas being developed to raise the financial markets.

Microsoft is a menace which must be dealt with before it can cause more damage.

Thank you,
Ted Halmrast
Software Developer
Shakopee, Minnesota, USA
Republican
tedh@tera.teralink.com

MTC–00017517

From: Roy Stogner
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I am writing to register my disappointment at the proposed Final Judgement settlement in the U.S. v. Microsoft anti-trust case. The most glaring deficiency of the proposed settlement, of course, is that it is utterly ineffectual at even elaborating on the existing legal restrictions that antitrust law places on Microsoft. Doubtless the DoJ has been flooded with explanations of these problems, but I refer you to Dan Kegel's excellent essay on the subject (already submitted as a Tunney act comment, and archived at http://www.kegel.com/remedy/remedy2.html) as the most intelligent elaboration of the settlement's loopholes and problems which I have seen. Because Microsoft has a record of finding such technical loopholes to legal restrictions (or, failing that, ignoring the restrictions outright), it is my belief that the proposed settlement will do nothing to prevent Microsoft from continuing it's current use of the Windows monopoly to maintain and extend that monopoly market share through illegal licensing and exclusionary agreements. In order to prevent Microsoft from abusing it's control over monopoly software products in the future, nothing short of uniform licensing for all it's products will suffice. Microsoft must not be allowed to license it's products differently to different customers, because even in the most benign cases of such special licensing it has and will continue to hold special pricing and special allowances as a bully's stick with which to control the behavior of other software and hardware companies. When I can get a Windows license via Dell computer more cheaply than I can get it from a retail store, I am coerced into buying from Dell (and other major PC assemblers), and they in turn must agree to whatever illegal restrictions Microsoft imposes or risk their very survival. Microsoft is aware of this power they have, and they use it. It must be removed. Microsoft must be required to release it's software at a constant price for any customer, OEM or individual, and they must be prevented from allowing any restrictions on the use or resale of that software beyond what is allowed by copyright law. Nothing less will suffice to prevent the continued illegal exploitation of their market position. Even this restriction is necessary but not sufficient; it should be added to the proposed settlement and should not replace it.

There is one thing that I feel must be added to Mr. Kegel's comments, which in his essay was completely absent: even if the proposed settlement were completely free from loopholes, it would be insufficient. Microsoft repeatedly broke both U.S. law and court orders, and has profited to the extent of tens of billions of dollars and dozens of destroyed and crippled competitors in the process. If the only punishment they face is a set of restrictions designed to make the continuation of these acts harder, then they really have not been punished at all. The settlement against Microsoft must ''deny to the defendant the fruits of its statutory violation'', or it does not act as a disincentive to further violations at all.

The most direct way of enacting such a punishment is simply to fine Microsoft at a level commensurate with their criminal gains. Fortunately, Microsoft holds a cash (and cash equivalents) reserve of over thirty billion dollars, and so such a fine could be levied without requiring any business-disrupting liquidation on their part. Microsoft has repeatedly demonstrated that they are motivated by money and not by the law; they will cease illegal behavior once it becomes financially unwise, and not a moment sooner.

Roy Stogner

MTC–00017518

From: John Bittenbender
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Dear Sirs,

The current settlement against Microsoft is totally unacceptable to me as both an everyday computer user and a tax-payer. I would like to see stronger measures brought against Microsoft with strict and close supervision of the company to verify that it is complying with the mandates brought against it. Please do not allow Microsoft to get off easy by performing philanthropic acts that will only extend its monopoly by distributing its products for free to schools.

I urge you to reconstruct the settlement against Microsoft in such a way that it is fair an foolproof, without loop-holes and lack or foresight.

Thank You,
John Bittenbender
Exario Networks

MTC–00017519

From: David Kramer
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

As a software engineer with 18 years'' experience using or developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgement in United States v. Microsoft. I am concerned that the Proposed Final Judgement will not be effective in stopping Microsoft from illegally maintaining its monopoly. Specifically, I am most concerned that no part of the Proposed Final Judgement obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. The Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Thank you,
David Kramer

MTC–00017520

From: Sean Porth
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Micrpsoft Settlement

I don't have much to say, due to my lack of writing skills. But I can say please do not let this monopoly go unpunished, the settlement as it stands does not hurt Microsoft as it should. Simply put they broke the law and they should be punished, just as any other violator of any of our laws should.

—

Sean Porth
System Admin
Tortus Technologies
www.tortus.com
413–788–5080

MTC–00017521

From: Tom Mensch
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I think this settlement does not do enough. It is also critical that Microsoft also open up their proprietary file formats to allow compitition to their Office product. There can be no true compitition until users have an actual choise of what operating system they use. For example, most business users are required to use Microsoft Word to view

and create documents. If it is a standard that business people use Microsoft products to communicate then the file formats should be governed by standards commities like other communication standards.

Thank you,
Tom Mensch
Oakland CA, 94618

MTC–00017522

From: Eric Allison
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing to express my displeasure at the proposed settlement of the case against Microsoft. I feel that, based on the merits of the case and previous judgments, a ruling more in line with the proposal by the 9 states dissenting states is appropriate.

Especially bothersome is the penalty for non-compliance and the loopholes (such as secure software) that are glaringly apparent. The penalty should be real—like forcing them to open up source code, as proposed by the dissenting states. A real penalty is more likely to ''encourage'' the desired behavior—I know this personally from my experiences as a child!

Sincerely,
Eric Allison
Stanford, CA

MTC–00017523

From: Barry Rountree
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Tunney Act comments AGAINST proposed settlement

Dear Sir or Ma'am,

I would like to register my opposition to the propsed Microsoft settlement with the DOJ. If for no other reason, allowing Microsoft to hide API's at their sole discretion based on their unreviewed claim of a possible security risk is a model of worst practices. The market moved beyond this years ago. Please do not allow a change in the White House to impede the just resolution of this case.

Respectfully,
Barry Rountree
Software Engineer
San Diego, CA
(858) 509–0993
rountree@san.rr.com

MTC–00017524

From: RandShurts@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

To the Department of Justice:

I am an American citizen and a long-time beneficiary of Microsoft products, and I believe as strongly as I have ever believed anything that what you have been doing to this company is wrong. It was wrong to have brought this suit in the first place. It was wrong for any judge to have ever found them guilty of anything, and it would be a grave injustice for the Department of Justice to impose a penalty of any kind.

Microsoft's only ''crime'' was to be too good at what it does. I use Windows 2000 every day (in fact I am using it right now), and I can't imagine how different my life would have been the last 20 years if Microsoft had never existed or hadn't been as successful as it is. The only thing you are doing in persecuting these people, (and make no mistake, it is people you are persecuting. The company name may be Microsoft but all Microsoft is is a whole lot of people pursuing their lives and their careers to the best of their abilities), is making my life and the lives of millions of Americans who have come to rely on Microsoft products more expensive and more difficult.

How dare you be so condescending as to believe that I need your ''protection'' from these people? The only thing I need protection from is a government that continues to usurp more and more power while increasingly dictating how the lives of its citizens should be led.

Start doing your legitimate job of protecting my individual rights of life, liberty, property and the pursuit of happiness, and stop persecuting some of the most productive, most moral people on earth; the owners, managers and employees of the Microsoft Corporation.

Russell W. Shurts
19031 E. Progress Lane
Centennial, CO 80015–4862
H—303–690–6542
W—303–416–1087
randshurts@aol.com
CC:activism@moraldefense.com@inetgw

MTC–00017526

From: Rich Morin
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I have been working in the computing field for a little more than three decades. When I entered the field, IBM ''owned the waterfront'', making it essentially impossible for any competition to thrive. Microsoft now holds that position, with even more market share than IBM held back then.

This is clearly a bad situation for the computing industry. Microsoft is able to dominate the field, while producing mediocre and dangerous (e.g., unreliable and insecure) software. They also use their power to discourage standardization efforts that would allow more competition. I am not well versed in the legal aspects of this case, so I will not try to suggest the exact shape of the settlement. Please count me as an opponent of the current proposal, however; it is FAR too lenient.

Yours, Rich Morin

email: rdm@cfcl.com; phone: +1 650–873–7841

http://www.cfcl.com/rdm—my home page, resume, etc.

http://www.cfcl.com/Meta—The FreeBSD Browser, Meta Project, etc.

http://www.ptf.com/dossier—Prime Time Freeware's DOSSIER series

http://www.ptf.com/tdc—Prime Time Freeware's Darwin Collection

MTC–00017527

From: Christopher LaVeglia
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To whom it may concern.

I believe that Microsoft's EULA is unfair in that it prevents me from implementing ''best of breed'' solutions. Specifically, it prevents me from using microsoft applications on a competing operating system. Furthermore the EULA allows Microsoft to audit my personal system, to ensure compliance.

Christopher M. LaVeglia

MTC–00017528

From: HILL, WILLIAM
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Any settlement that does not include both a breakup of Microsoft and harsh fines is inadequate to protect general computing in the United States. Microsoft has shown the way to abuse programing's natural tendency toward standardization of code and interface. They have done nothing that others can not and will not do unless sound financial disincentives are offered.

MTC–00017529

From: Ben Wilson
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

To a more detailed point, there is no provision against Microsoft's non-documented ''closed'' file formats. One thing that will force a user into using one certain program over another is a closed format information. Let the application that uses that data be the divining point, not the format of the information.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ben Wilson
admin—thelocust.org
ben@thelocust.org

MTC–00017530

From: T Carey
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft settlement

As a technology user I have been following the Microsoft legal issues from the very beginning. Overall I see the litigations against Microsoft to have limited merit and it is time to put the current case to rest. The ongoing nature of this case is detrimental to the technology industry as well as the consumer. A swift and fair conclusion to the current issues would be a great benefit to all involved.

It is time that our country stops punishing people and the companies for which they work for doing a good job. With foreign competition and our weak economy companies that are innovative and try to make products that are easy to use should be praised not punished.

Thank you
Thomas A Carey

MTC–00017531

From: Alon Harpaz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:40pm
Subject: Re: Open Letter by Dan Kegel of Los Angeles, CA
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This e-mail is to confirm my support and signature on a letter written by Mr. Kegel, concerning the proposed settlement with Microsoft in the anti-trust litigation.

I would especially like to voice my concern regarding the publication and release of Windows API information. The proposed settlement makes no attempt to provide this information to the general public. This contradicts Microsoft's stand that Windows is a de-facto standard in Information Technology, as it does not allow all who wish to develop programs for Windows to do so at their discretion.

In addition, such hiding prevents others from developing competing alternatives to Windows that would run applications designed for Windows.

Thanks, Alon Harpaz
Ashland, MA
Electrical Engineer at Dover Instrument Corporation

MTC–00017532

From: ddpruitt@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is detrimental to the public interest and that it is a bad idea.

Darren Pruitt

MTC–00017533

From: Jacob Sayles
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am officially opposed to the Microsoft settlement. It does not punish them for breaking the law and it's efforts to prevent such abuse of power in the future are misguided. I too would like to see and end to this case, but this settlement is not the correct course of action.

Thank you,
Jacob Lynn Sayles
6541 20th Ave NE
Seattle, WA 98115

MTC–00017534

From: Clancy, Mark L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice Antitrust Division, I am writing to express my concern over the proposed Final Judgement against Microsoft in the case of United States v. Microsoft Corp., Civil No. 98–1232.

The proposed terms of settlement do not provide sufficient safeguards that specifications for Microsoft platforms and middleware will be publicly available to me as a software developer in the IT department of a large corporation that is not a software vendor. It's important that such documentation is available to the software development community as a whole, not just selected software vendors. The corporate IT infrastructure I support is large, diverse, and largely internally developed. The quality and value of our services is driven by the availability of valid technical software information, just as for a software vendor.

Section III.D of the proposed Final Judgement states ''...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product''. While MSDN is an invaluable resource to software developers, I often find dissembling, biased, propagandistic, and coercive commentary in place of straightforward, unbiased technical information in its articles. Also, Microsoft is notorious for reorganizing its content to be consistent with Microsoft's market interests, deprecating and concealing legacy documentation. MSDN is a fine resource, but I am skeptical that without oversight, it could easily become simply another marketing vehicle for Microsoft.

Unbiased, detailed technical specifications for the Windows platform and its interfaces are far more helpful than market-generated literature in IT infrastructure strategy and development, especially when the market is distorted, as in this case. Publishing this information, actively monitoring its quality, ensuring it is valid and usable, and making it widely available to software developers in every setting is in the public interest.

While it may be politically expedient to settle this case as quickly as possible, it is in the interest of the software development community, the larger community of corporate software users, and of the public at large, to provide effective remedies which allow effective cooperation and competition in the software marketplace. Attorneys General of several states, including Minnesota, my home state, are agreed that the proposed Final Settlement is inadequate.

Thank you for considering my position.
Mark Clancy
Senior Analyst/Programmer
Mayo Clinic
Laboratory, Pathology and Extramural Applications Division
mclancy@mayo.edu
(507) 266–4489

MTC–00017535

From: Richard Turk
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I OPPOSE the proposed final judgement. It is inadequate. I just read through the proposed settlement, and I have listed some comments below. I acknowledge that these comments could be considered nitpicky, but bear in mind that Microsoft does not have a history of operating in ''good faith'': they will attempt to exploit any weakness or ambiguity. Also, remember that time and money are on Microsoft's side: even if they are ultimately held accountable for a breach, it might take many months and many dollars to push the suit through the courts. The language of this agreement must be sufficiently strong and clear that violations can be determined quickly (summary judgement) by the trial court. Otherwise, Microsoft will be able to use the intervening time to extend its monopoly and suppress competition.

Problem 1. The term ''Windows Operating System'' is inadequate: it omits a large variety of products currently available or under development. Also, Microsoft could rename a future product to avoid this definition. (e.g. Windows CE is now PocketPC; the XBox could become an exempt computing platform)

Remedy 1. The anti-monopoly restrictions should be placed on *all* Microsoft products, both hardware and software.

Problem 2. The settlement allows Microsoft to choose which companies can gain access to their API's and protocol specifications. This will permit Microsoft to withhold information from Open Source or volunteer programmers, thus suppressing competition and consumer choice.

Solution 2. Microsoft should publish API's and protocol specifications publicly, for all developers; the notion of ''legitimate business interest'' should be dropped.

Problem 3. The definition of ''bona fide joint venture'' is not given. Without a clear indication, Microsoft can bottle up suits in court.

Solution 3. Provide a very narrow, explicit definition.

Problem 4. Section VI(U) Gives Microsoft discretion as to what comprises a ''Windows Operating

System Product''. Microsoft could make unreasonable claims of exclusion and then fight in court, thus delaying fair competition.

Solution 4. Either remove this section, or let the Technical Committee decide what comprises the OS.

I could come up with more specifics, but I'm sure others have done a more thorough

job. Also, it might help to create a punishment for ''parole violation'': if Microsoft loses a certain number or percentage of lawsuits relating to specifics of this judgement, then there would be automatic and severe monetary penalties and additional restrictions. This might deter them from using the courts as a delaying tactic.

MTC–00017536

From: Kendall Whitlatch
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I feel that the proposed settlement offered by the DOJ does not adequately address Microsoft's ability to act in a monopolistic manner. There are far too many loopholes and terms have been too narrowly defined. If this settlement is implemented, I believe that we will see another scenario like this last one where MS acts within the legal boundary of the settlement, but still monopolizes the industry.

I urge you to review Dan Kegel's petition and implement those fixes he addresses. http://www.kegel.com/remedy/letter.html

Best regards,
Kendall Whitlatch
mailto:whit@dubhlinn.com
14801 Kennedy Place NE
Duvall, WA 98019
425–844–4094

MTC–00017537

From: Chris Kantarjiev
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft settlement

The proposed settlement is ridiculously lenient. It seems like people keep forgetting that Microsoft was found GUILTY and that the verdict was AFFIRMED by the appeals court. All that is at issue now is their punishment. Letting them off with the proposed slap on the wrist would be a travesty, and would irreparably harm the entire computer industry.

Microsoft must be punished severely. Their monopolistic and predatory practicies must be slapped down HARD so that this time they won't come back in a few years and start pulling the same tricks. Please don't cave in. Make this criminal corporation feel the pain of justice.

Christopher Kantarjiev
1530 Portola Avenue
Palo Alto, CA 94306
cak@dimebank.com

MTC–00017538

From: Jamie Dillon
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft settlement

Thanks for listening,

My primary concern with the proposed Microsoft case solution is the idea of Microsoft flooding public schools with their software, as well as Windows-based hardware, as a penalty. Their suggestion here is typically disingenuous, and a bad plan. I've made a career in public schools, where we have the strength of a variety of platforms. The Justice Dept has made great strides in pursuing this long course.

Thanks for the work.

Jamie Dillon

Jamie Dillon, speech pathologist, Gonzales Schools <*>

<jdillon@monterey.k12.ca.us> http://www.winepress.com/jd1.htm

''Did you ever see a wolf in spats?''—G. Marx

MTC–00017539

From: Russell Hemati
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I was originally very excited about a proposed settlement between the DOJ and Microsoft. I mainly thought it was a good idea since after having the crimes of the company upheld by an appeals court, I naturally assumed that this was the only way to keep the upper echelons of the company out of federal prison. Imagnie my surprise when I found out that the DOJ had lost their nerve in prosecuting the most illegal monopoly of all time.

After reading the proposed settlement between the DOJ and Microsoft, I am convinced that it must be rewritten from the ground up. After 15 years of computer consulting, including developing for Windows as well as Linux and helping support those who develop on the Apple platform, I still do not consider myself to have mastered every nuance of systems integration—much less the computer market as a whole. I do, however, know enough to realize that regardless of how brilliant or qualified the lawyers who drafted this settlement are, they require more training in computer terminology and software engineering. They also require themselves to ask seriously—is this settlement There are numerous technical problems with this settlement, the most important being that it allows Microsoft to keep the monopoly it already has and at best attempts to limit the speed at which it aquires new monopolies. Having watched Windows XP turn into a way to market Microsoft's other products (usually offered at a loss) and the sale of the X-Box—under— cost (as much as $100), it seems that any software company (and now with the X-Box—any hardware company) that does not have the ability to sell its products under cost or give them away for free while being kept profitable by inflating the prices of other products that often the consumer cannot refuse to buy—any company that cannot do this will not succeed. Even if they can (such as the possible exception of Java), because their ''competitor'' is the company that they depend on to make the system that runs their program, they will not succeed because this ''competitor'' makes their system incompatible with yours while simultaneously offering their own alternative to your customers. Standard Oil was nailed to the wall for this, the proposed settlement is not just lenient—its SILENT!

We are nearing the point when nobody, not even the government of the US, can stand up to Microsoft. The settlement is a joke, it doesn't do anything at all about the illegal monopoly Microsoft already has (a ruling upheld by the appeals court). No other criminal I know could settle this easily after already being declared guilty. No convicted bank robber would be told that he can keep his money and should just rob fewer banks per month.

Also, when Microsoft asked for part of its settlement to include government mandated installation of its software in one of its few last competitor's main market (schools—Apple), it demonstrated its brazen practices. Any reasonable person should be able to realize the predatory nature of such a company. Please do not let the difficulties in the economy cloud this decision. Microsoft is a very valuable company—if you have any tech related mutual funds you probably own a piece of them anyway. They have managed to hire a great many intelligent and qualified people. Microsoft —can— compete in an open market. To say that they can't compete in an open market is to say that they haven't been, since they are indeed successful. One of the reasons that the software market is so bleak is because most of the incentive for creating and then profiting from software has been and is still being sucked dry by a company that will not stop until it is the —only— technology company. A free market cannot exist without competition. If the intention of the DOJ is to do their part in restoring the computer technology market, they cannot hide behind Microsoft.

I am a capitalist. I believe in business both big and small. I also believe that we are a nation of laws. Because the DOJ is about to allow one of the most nefarious criminal entities to go free, it is in danger of presenting itself to history as only attempting to prosecute the little guy—the individuals and small companies while the big guy—the one who could influence their own pocketbooks with it success or demise—this one they are too scared to touch.

You are the United States government. You are there to protect individuals and companies. You are there to protect our free market. Do your duty and protect us. Stop the Microsoft monopoly with more than this travesty. Make them give back what they illegally took from the people, the companies, and the market. Make them give back what they took from you—the DOJ—since you are undoubtedly one of their customers and have been suffering from lack of choice and poor quality. Do your duty. Make us all proud we elected your superiors.

Russell Hemati

MTC–00017540

From: Jason File
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I am writing to complain that at present, the negotiated settlement does not permit software developers such as the Wine project to create the capability of running Windows applications on Linux. Only with this component included in the agreement will the settlement have a real effect on market competition. As it stands now, it is relatively toothless.

Best wishes,
Jason File
Yale Law School

MTC–00017541

From: Steven Boothe

To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement Dear Sir/
Ma'am, or to whom it may concern:

My name is Steven Boothe and I am a citizen of the United States since birth. I currently reside in the beautiful state of California. I am writing because I just learned that I have the opportunity (expiring Monday, January 28) to air my comments (in accordance with the Tunney Act) on the justice and efficacy of the proposed Microsoft Settlement. For this privilege to engage the judicial system I am truly grateful to be a citizen of the United States of America. So for those that may be in a hurry, in short: I find this proposed settlement appalling and disgraceful. No I do not approve. I herewith cast my vote against this proposal, and for reference, respectfully request that the short-comings highlighted in the following paragraphs be rectified as my suggestion for how to adequately meet out justice and retain our country's dignity in this case. Here are the paragraphs of which stand out so clearly stated as the problems I whole heartedly agree need attention:

''The remedies in the Proposed Final Judgments specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry.

!!!!!!!!!!!!!!!! emphasized content below !!!!!!!!!!!!!!!!!!!!!!

But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . .(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

!!!!!!!!!!!!!!!! emphasized content above !!!!!!!!!!!!!!!!!!!!!!

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.''

Hence: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.'' Please do not allow our tax dollars and dignified judicial system to be displayed as a wasted effort by leaving this proposed settlement in a status quo.

(http://www.pbs.org/cringely/ pulpit/ pulpit20011206.html)

Thank you very much for your time,
Steven Boothe

A concerned husband, father, and computing professional.

MTC–00017542

From: Matt Jurach
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs —including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems.

This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

A thorough and thoughtful propisition of remedies for the above issues has been assembled by Dan Kegel at:

href=''http://www.kegel.com/remedy/ remedy2.html''>http:// www.kegel.com/ remedy/remedy2.html

Thank you,
Matt Jurach
href=''mailto:mgjurach@ucdavis.edu

MTC–00017543

From: rcsadmin@teralogic.tv@inetgw
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe the proposed Microsoft antitrust settlement is counter to the interests of the American public, deleterious to the American economy, and is not adequate, given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and the spirit of our free-enterprise system. These practices inhibit competition and reduce innovation, decreasing employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The findings of fact which confirmed that Microsoft is a monopoly require strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

I do not think that the proposed settlement is strong enough to prevent Microsoft from engaging in monopolistic behavior, both now and in the future.

For more specific examples of deficiencies in the current proposed settlement, please refer to Dan Kegel's ongoing analysis at: http://www.kegel.com/remedy/remedy2.html

Sincerely,
Tim Vogt
Sunnyvale, CA
Sr. Software Engineer
Tim Vogt
tvogt@synaptick.net

MTC–00017544

From: Sam Nilsson
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

this is inexusible in a ''democracy''. this is no democracy, this is a corporate controlled money state. only the money is represented. please do not settle with microsoft.

BREAK THEM UP.
Sam Nilsson
Santa Cruz, CA 95060

MTC–00017545

From: Adam Goldstein
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

I would like to express my strong feelings on the Microsoft Settlement.

I believe that Microsoft has illegally used its power to make itself into a monopoly by trying to quietly destroy competition. I believe that Microsoft should be split into two companies, one for the Windows operating system and related files, and one for Office software and other software, not only as a punishment for its illegal actions, but also to prevent such abuses in the future.

MTC–00017546

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

TWIMC,

I feel the proposed settlement redarding the Microsoft Anti-Turst case is not effective enough.

I feel that stronger regulations need to be imposed to force Microsoft to disclose information regarding file formats and their interoperability with the applications and furthermore, the operating system.

Michael McNeany

MTC–00017547

From: Mick Crouch
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I am unhappy with the Microsoft Settlement.

I feel that Microsoft has gotten off too easy. No significant changes will occur as a result of the proposed settlement.

Mick Crouch

MTC–00017548

From: Bob Pesall
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

Dear sir/ma'am,

I would like to add my disapproval to the proposed settlement with Microsoft corporation currently open for public comment. To resolve this situation with any monopoly still intact, and to leave the software industry unable to provide competition that might end such a monopoly is to do a disservice to consumers.

MTC–00017549

From: Andrew Haas
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Please Throw Out the Microsoft Settlement

This is a letter appealing the government to not only throw out the Microsoft settlement, but further penalize Microsoft for its anti-competitive business practices and poor quality software. Microsoft has undermined the security of the United States, wasted billions of taxpayer dollars and gone against everything this country is founded upon. What is the foundation of the United States? What has made this country so great?

If you were to ask me, I'd say it's the constitution of the U.S., the excellence of the people who founded this country, the commitment of the many men and women who have given their lives to make this a great country, and the principles they stand for.

How does Microsoft violate these principles? By their first-to-market business methodology, where they bring to market poor quality software and leverage their Windows monolopoly to become dominant, they stifle competition. In so doing, they have introduced software with security holes and software that requires constant fixes and upgrades. They waste the time of millions of people.

What if the founders of the country, the writers of the constitution, brought it to market before it was ready? What if they said, ''Well, this is good enough?'' What if the people who fought in our world wars said, ''Well, we tried to be secure. We tried to make your country secure,'' while all the while leaving tons of security holes? What if our intelligence organizations did a slipshod job?

The answer is our country would have fallen long ago to the forces that seek to undermine it.

Why should we reject any settlement with Microsoft and further penalize the company to the full extent of the law:

A) Microsoft's poor software quality has undermined national security.

B) Microsoft's poor software quality has wasted billions of taxpayer dollars.

C) Microsoft has shown no remorse, worse, only arrogance, and has never taken responsibility for its actions.

D) Microsoft has created a marketplace where in order to compete, companies have to follow its model of producing poor quality products and rushing them to market too quickly.

Let's look at each of these points more closely:

A) Microsoft's poor software quality has undermined national security. Microsoft software has been shown to be extremely vulnerable to viruses and have numerous security holes. In addition, it has been shown to be bug-ridden and crash often. The news is filled with reports of problems. For example, a warship had its weapons systems offline for 5 hours due to a problem with Windows. Nuclear materials have been misplaced or ''lost'' due to bugs in Microsoft's database software. The NSA was infected by a virus that harmed its employees ability to communicate with each other.

B) Microsoft's poor software quality has wasted billions of taxpayer dollars. As a professional software developer, I work with Microsoft products daily. Unfortunately there is no way around this, because my employers require it. I waste approximately an hour a day on slow software, bugs in software. I waste another hour due to incompatibilities in software and trying to work between Unix systems, which are used on the server side because they are stable, and Windows, which is used on the client side because of Microsoft's monopoly. If IT professionals in government waste an equal amount of time as I do, then Microsoft is costing the taxpayers billions of dollars.

C) Microsoft has shown no remorse nor taken any responsibility for their actions. In testimony before the government, Microsoft has denied all the charges against them and made it sound like the government or the taxpayer is at fault. They have made few efforts if any to fix these problems. When Windows 2000 was released, Steve Ballmer made the statement, ''Windows is finally stable.'' Well what was it before? Microsoft was penalized by the government in the 1994 consent decree, but made no efforts to change their actions. Microsoft considers itself above the law.

D) In order to compete with Microsoft, the entire software industry has made a habit of

rushing products to market before they are done. In addition, since products built upon buggy operating systems are themselves buggy, it's almost impossible to produce very stable software that runs on Windows operating systems. It's like trying to build a house on foundations of sand—when the sand shifts the house will fall. There are numerous examples of this— Lotus Notes, Corel, Sun Java—all of these products have had problems because they were built on a buggy operating system—Windows. The Solaris versions of Java have always been better than Windows, because Solaris is a much more stable operating system. So my plea to the government is this.

If the founders of our country, and all the men and women who have given their lives to make this country the place it is had done their business the way Microsoft has, this country would have fallen long ago.

Microsoft has undermined national security and wasted billions of dollars. It has created an anti-competitive environment where companies have to produce poor quality software to compete. It has made the computer industry much harder to work in and good quality solutions hard to implement.

Please penalize Microsoft to the full extent of the law, as you would anyone who commits a crime against the people. Please do not let Microsoft's dominant position cloud your judgement. Please do the right thing.

Thank you very much,
Andrew Haas

MTC–00017550

From: domenic.ippolito@e-acumen.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I'm very surprised that the decision to break up Microsoft was reversed. Until the OS division is separated from the other divisions of Microsoft, their de facto OS monopoly will continue to be leveraged to help them gain dominance of other markets. The currently proposed settlement does not sufficiently address the competition issues.
Sincerely,
Domenic Ippolito
Engineering Manager
e-Acumen, Inc.

MTC–00017551

From: Matthew Chastain
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew Chastain
109 NW Broadway St Apt 4
Bend, OR 97701–2640

MTC–00017552

From: P. Dworkin
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

The tentative settlement of the United States vs. Microsoft antitrust lawsuit does not address the reasons Microsoft was found guilty of violating antitrust statutes and protects neither consumers nor businesses.

I am strongly against the proposed settlement.

Paul Dworkin
paul@heyho.com;
www.heyho.com;
ftp.heyho.com
79 Hancock, Somerville MA 02144
617–625–4224
Fax 508–519–0729

MTC–00017553

From: David Cutler
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement
To: U.S. Department Of Justice,

I appreciate the right to speak on this issue, which I feel very strongly about. As a U.S. citizen, I believe I have a responsibility to defend the rights and freedoms we enjoy as Americans. The current settlement does not effectively prevent Microsoft from using its current monopoly in the desktop operating system market to create a monopoly in other markets. One obvious example is the browser market. I believe Microsoft should be required to offer a version of its operating systems which does not contain middleware software like Internet Explorer tied into the operating system.

Also, Microsoft should be required to remove software from its operating system which causes incompatibilities with rival companies'' software. Microsoft should also be prevented from using its passport services in Windows XP to force users to use Microsoft technologies to access online services. I believe Microsoft's .NET program is their plan to completely control PC users'' access to the Internet and e-commerce.

This is clearly a threat to computer users and competing companies. I reiterate that the currently settlement does not go far enough to limit and prevent Microsoft's anti-competitive and monopolistic behavior.

Sincerely,
David Cutler
David J. Cutler
(703) 242–3970
cutlerd@earthlink.net

MTC–00017554

From: Rick Silton
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

I would like to voice my position which, in brief, is that the proposed final judgment against Microsoft will not adequately prevent Microsoft from abusing its monopoly power.

There are many reasons such as those listed below, but ultimately it comes down to the fact that Microsoft is both the supplier of the monopoly operating system and a supplier of applications that use the operating system.

The Proposed Final Judgment needs to be amended because: Hurts the not-for-profit competitors (Linux, Apache, etc.) Fails to remove restrictive licensing terms to keep Open Source apps from running on Windows.

Requires that users of the APIs share their code with Microsoft. The APIs are needed to use the OS features but the OS vendor does not need to know how the applications work and so there is no need for Microsoft to have access to the code. This is especially true when they are also producing competing applications!!!

The proposal for Microsoft to donate equipment to schools must be a joke—it doesn't punish Microsoft at all and in fact takes market share away from the competitors that Microsoft has been hurting.

* API & Middleware definitions are too narrow.

* It does not prevent Microsoft from intentionally sabotaging Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems.

Please take these comments into consideration—Microsoft has been doing anti-competitive behavior for many years and there is absolutely no reason to believe they will stop on their own. Their corporate culture is obviously to crush the competition with no regard for fair and reasonable business practices.

Rick Silton
2655 Fanieul Hall Ct
Herndon, VA
20171

MTC–00017555

From: bbarton@ashland.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

To whom it may concern,

I do not think the Microsoft Settlement goes far enough to ensure that Microsoft's non-competative behavior will not be allowed to continue. Of the many problems I have with the settlement, I think the most

important is the barrier to applications. It is not enough to stop at opening APIs for middleware. APIs must also be opened for applications.

While I am happy that the settlement makes an effort at keeping Microsoft from hindering the development of cross-platform middleware, it needs to ensure that there is a cost effective alternative to the Microsoft Windows operating system. By allowing Microsoft to keep its Windows APIs secret/undocumented, users who wish to use the vast majority of applications written for Intel-Compatible PCs will still be forced to use Windows. The reason that most applications are written for Windows is that there was no viable alternative; if most developers wanted to be able to make a profit selling their products, Windows is the only operating system that has an installed base large enough for the application to have enough possible customers.

The WINE project is an open-source, ongoing effort to create an environment that runs Windows applications under Linux, an open-source, free operating system. It is already possible to run many Windows applications using WINE, but not all and not perfectly. The progress is slow because much of the necessary code is under lock and key at Microsoft. Because WINE is open source, all work done to make Windows applications run in Linux also benefits other operating systems, particularly UNIX and UNIX-like operating systems.

Until Microsoft is forced to allow all developers access to its API and their full documentation, users who wish to use most applications written for Intel-compatible PCs will be forced to have a copy of Windows. Microsoft would rather keep this unfair advantage and not share the entire library of APIs, but be allowed to pick and choose. This is non-competative behavior. MIcrosoft can still be allowed to innovate with respect to the layout and functionality of its operating system without keeping other operating systems from running applications written for the Windows environment.

Respectfully,
Brett Barton
Dublin, OH 43017
Pricing Coordinator, Ashland Distribution Company

MTC–00017556

From: djsmith@checkfree.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

Dear sirs:

I have thoroughly read the ''Proposed Final Judgement' (PFJ) in the United States vs. Microsoft, and would like to comment pursuant to the Tunney Act and its provisions for public comment.

There are several points which I would like to make concerning the PFJ. First, I believe this proposal would still allow Microsoft to manipulate licensing agreements such that Windows applications would be unable to run on non-Microsoft operating systems(OSs). If OS users are not able to run Windows applications on an OS other than one of the flavors of Windows, this provides a Application Barrier to Entry to any OS wishing to provide a product in direct competition to Windows. Since the Windows OS and the applications running within it were determined by the Court to be distinct entities, it seems unfair that users couldn't choose to use one without the other.

Secondly, being a software professional for the last 15 years, I have seen my share of Windows and non-Windows products. On several occasions during this period, a non-Windows solution would have been the clear favorite if we could have had open access to the structure and definition of the Windows Application Programming Interfaces (APIs). The language of the PFJ limits the disclosure of Windows APIs by defining the terms ''API'' and ''Microsoft Middleware'' such that Microsoft would be able to exclude APIs used by other application programs (not expressly in the ''Microsoft Middleware'' definition). This would also prevent other application developers from being able to write applications to use these interfaces correctly, which would also prohibit competition.

Lastly, the wording of the PFJ specifically omits other Intel-based operating systems such as Windows XP Tablet PC Edition, Windows CE, Pocket PC, and the X-box. I don't understand why these systems should be allowed to appear under the radar of the Judgement, since many of the same applications which could run on other Windows environments could also run on these. Therefore, if Microsoft is allowed to produce applications which can run on these operating systems as well as the included Windows systems, aren't they able to gain an unfair advantage, since their applications are now by definition more universal? By excluding them and their APIs from the PRJ, aren't we allowing unfair competitive practices?

These are the main issues I am in opposition with at this time. As I continue to digest all that this agreement encompasses, I may find more to mention.

Thank you for your time and consideration.

Donald J Smith
CC:djsmith@checkfree.com@inetgw

MTC–00017557

From: JeepBoy
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I believe the proposed settlement is unacceptable. The Court found that Microsoft did indeed engage in anti-competitive practices. That being settled, the proposed remedy leaves much to be desired.

I believe that the original idea of breaking the company up into three separate companies is the best solution.

Thank you.
Bill Nienaber
Minneapolis, MN

MTC–00017558

From: Raul Miller
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I'd like to comment on the judgement I've read at http://www.usdoj.gov/atr/cases/f9400/9495.htm:

[1] While this judgement, if it had been issued some years ago, would probably have prevented the current set of problems involving microsoft and the computer industry, I don't see that this judgement will repair the damage which has been done.

[2] While this judgment addresses some issues relevant to OEMS, ISV/IHV's, IAP/ICP's and End Users, it does not address issues of critical significance to software developers.

When developing software, one must make many choices and decisions with long-lasting consequences. In general, this means that once a decision has been made it is not changed without good reason. Microsoft's unlawful actions mean that there have been good economic reasons to make development decisions which would otherwise violate good design practices.

Resolving this issue will require documentation which is not generally available (and which may not exist) about Microsoft's operating system. It will also require dealing with issues raised by existing contracts and business arrangements with respect to software development tools and development environments. It will also require dealing with changes in software oriented training and business practices—changes which have been necessary for a business to survive in the face of Microsoft's market dominance.

Software developers are the people who are technically literate in computer languages and who are responsible for creating applications which must run on an operating system. The proposed remedy does not address software development needs in supporting competitive operating systems.

Failing to address the needs of software developers means this judgement cannot remove the barriers which microsoft has put in place with its unlawful actions. As software developers provide the software which which End Users, IAP/ICP's, ISV/IHV's, and OEMS, use on an operating system, it's extremely unlikely that any of these groups will experience economic relief from this judgement.

I recommend this judgement be rejected in favor of one which will additionally provide remedies for software developers who develop software for Microsoft and/or non-Microsoft operating systems.

Raul Miller

MTC–00017559

From: Joshua J. Berry
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

To whom it may concern:

I do not think the Microsoft settlement is nearly harsh enough. Instead of attempting to correct the underlying issues (the anticompetitive practice), the settlement instead simply slaps Microsoft's hand with a fine they can easily shrug off. There will be no change in behavior from Microsoft after this settlement is implemented—none at all. All you're doing is giving Microsoft the opportunity to extend their monopoly. The whole idea behind the settlement is to stop these practices, and this settlement does nothing towards that end.

Sincerely,
Joshua J. Berry
Student, Cal Poly State University
Joshua J. Berry
California Polytechnic State University
San Luis Obispo, CA

MTC–00017560

From: David Goodwin
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a very bad idea. At most, the proposed terms will be a minor annoyance to Microsoft, and they will continue as they have in the past. What is being done to aid all those that were crushed by Microsoft's illegal acts? Simply saying that all will be fair from here on out is not enough, Microsoft has such a dominant position that competition in many areas will remain non-existent.

David Goodwin

MTC–00017561

From: Peter Loron
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the Microsoft antitrust case is a very bad choice. It will not punish Microsoft, it will instead give them an even larger market share and help push out one of their few competitors, Apple Computer.

A much more fair solution would be to have Microsoft pay the billion dollar 'fine' in cash to be used to buy equipment and software for schools from other companies, or some other worthy goal (paying down the National Debt, perhaps).

Peter Loron

MTC–00017562

From: diana@dontcare.ked@inetgw
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: settlement

I think the settlement is a bad idea. The government should not go soft on people or corporations that bend and manipulate U.S. laws in order to profit. No one is above the law.

Diana Kedzierski

MTC–00017563

From: Nathaniel Cosgrove
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft not only inadequate, but insulting. It provides too many loopholes through which Microsoft can jump to effectively circumvent most, if not all of the provisions set forth by the settlement. For instance, in section III(J), there is a provision for Microsoft to keep all security APIs secret. An easy way to circumvent this is to add security features into every API. Please note that Microsoft recently announced an initiative to focus more on security; a move which would suggest that they are already planning such a strategy.

In the past, Microsoft has shown considerable ingenuity in circumventing such measures. For instance, the integration of Internet Explorer into Windows to circumvent the ''Consent Decree'' shows their willingness to abide by the ''spirit'' of such an agreement.

Please do not allow this settlement to go forward.

Sincerely,
Nathaniel Cosgrove
Research Assistant II
Center for Composite Materials
University of Delaware
(302) 831–6928
cosgrove@ccm.udel.edu

MTC–00017564

From: Mark Ferlatte
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I believe that the proposed final judgment is lacking an important remedy: Microsoft should be required to provide public and open documentation on their application file formats with enough detail to allow other software developers to develop file readers and writers for those formats. In my experience as a Linux developer and system administrator, the largest remaining issue with converting a site from running Microsoft Windows and Office is the ability to work with legacy Word and Excel documents. These undocumented formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' pp20 and pp39). If these file formats were made available, it would be possible for consumers to switch to an alternative office suite (such as OpenOffice) which could allow them to switch to an alternative operating system if it were compelling enough. This choice should be able to be made by the consumer, as opposed to any operating system or application developer.

Sincerely,
Mark Ferlatte
Berkeley, CA

MTC–00017565

From: Mike Youngstrom
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is a bad idea. This settlement will not stop Microsoft from anti-trust violations.

Mike

MTC–00017566

From: .MAtt Butler
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

Leave MS alone.

MTC–00017567

From: Teresa M Hermiz
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

Dear Renata Hesse:

My computer came with Microsoft which has made my life fuller, more efficient, and fun. I am delighted that Bill Gates has achieved so much success. He deserves it. Nothing should be done to hamper him or his company. The government should be protecting his business not interfering with it.

Bill Gates' success in no way threatens anyone. In the long run progress is in everyone's best interest. You should suspect the motives of anyone who wants to get in his way.

Everyone, including Bill Gates, has a right to his own property.

Sincerely,
Teresa Hermiz
9118 Mandel Drive
Centerville, OH 45458

MTC–00017568

From: James Muguira
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I do not like the settlement proposed with the Microsoft corp. Allowing the company to just donate some stuff (computers & software) is useless and all other elements of the settlement are bad business.

Since I don't like to just complain here is a suggestion:

1. zap Microsoft with a huge fine (10 billion)

2. Use the fine to establish a trust (oversight by dept of Education and NSF) that Microsoft staffs and operates at their expense (for say 10 years))

3. The trust has the goal of giving away as much of it's yearly earnings as possible in 1 year (say $2000, what I pay today) scholarships to 2nd, 3rd and 4th year college students. the math... assume a 5 % rate of return from the investment market for the next 10 years ($10,000,000,000 * 0.05) / 2000 = 250,000,000 scholarships awarded per year.

That's a goal of up to 250 million scholarships. If the trust could award 200 million and retain a little income to grow the thing could perpetuate. seems so simple to me, I guess I live in utopia.

James A. Muguira
1719 Beach Road Hampton, Virginia 23664
757–851–0569

MTC–00017569

From: RDavis
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

To whom it concerns,

I do not feel that the proposed settlement will do enough to change the practices of the Microsoft Corporation. Remember that this company used loopholes in the 1994 consent decree to continue their monopolistic practices. The final remedy needs to carefully close loopholes and include continous monitoring and severe penalties for continued monopolistic practices. As one example, the current proposal is very specific to particular versions of Microsoft software and operating systems. What will happen to the settlement if one month after it is finalized, Microsoft changes the names of all their products?

There are many other things not addressed in the proposed settlement, I'm sure many others will do a better job explaining them than I will, but just to mention a few that concern me: Closed proprietary file formats for things such as word processing

documents, Licencing agreements that force organizations to pay for Microsoft products that they do not use, End user licence agreements that prohibit using competing software or open source software, Continued ''embrace, extend and extinguish'' practices where open standards are weakened by Microsoft, etc.

Thank you for your time.

Rob Davis
Database Programmer / Analyst
1200 Academy St.
Kalamazoo Michigan 49006

MTC–00017570

From: Richard Dynes
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft Settlement

Hi,

I've been informed that you are soliciting public feedback on the Microsoft settlement.

I'm very disappointed in the settlement between the DoJ and Microsoft. As far as I can see, it does nothing to address the proven illegal and continuing anti-competitive practices of Microsoft.

Microsoft has twin operating monopolies: Desktop Operating Systems, and Office Automation software. Microsoft used their OS monopoly to force Internet Explorer onto consumers, crushing Netscape in the process. This is not the first time Microsoft has manipulated their ownership of the OS to affect the competitiveness of competitors in other spaces: Lotus'' 123 product comes to mind.

Microsoft continues this practice today: Since their office automation applications are only available on their operating system, they are using these twin monopolies TODAY to take over the mobile and palmtop computing market. You can read ads in the trade magazine InfoWorld where Microsoft proclaims PocketPC as superior because it's the only mobile computing solution where Microsoft's office automation applications run.

They are, today, using their twin monoplies to build a third: mobile computing platforms.

The proposed settlement doesn't address past OR current behavior. Allowing computer manufacturer's some freedom in what they put on the Microsoft Windows desktop merely codifies the status quo.

The proposed remedies would not have prevented what Microsoft did with Netscape, and will not prevent Microsoft from constructing further monopolies from their existing ones.

Microsoft did real harm to, and has inhibited innovation and competition in the industry. Today we have software that has security risks, defects, and instabilities, yet we truely have no alternatives, because that software is from Microsoft. The rash of viruses that have cost untold hours of lost productivity are largely Microsoft's doing, yet are accepted because there simply is no alternative.

The proposed remedy is inadequate, and I feel it is a capitulation of the DoJ to Microsoft in this matter.

Richard Dynes
rdynes@silkspeed.com

MTC–00017571

From: ney@akamai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

I believe that Microsoft is a monopolist and uses technical strategies (e.g. avoiding open standards) to keep and extend their monopoly.

I object to the proposed settlement, as I think it allows Microsoft to continue these kinds of practices.

Neal Young
12 Rockingham St
Cambridge, MA

MTC–00017572

From: logan@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to express my disappointment with the proposed settlement of the Microsoft Antitrust suit. Microsoft has repeatedly shown that it will do anything in its power to maintain their monopoly hold on the desktop operating system market and to (ab)use this monopoly to further it's penetration into other markets. Many of these abuses occurred while they were already under supervision for compliance with previous anti-competitive judgements. Indeed, Microsoft has made numerous changes in their licensing agreements since the start of this lawsuit that to further their monopoly and use their monopoly to gain advantage in other markets.

Although there is sufficient power to monitor Microsoft, the proposed settlement does not provide sufficient power to the Technical Committee to prevent further abuses by Microsoft. The Technical Committee's only recourse is to turn evidence over to the legal system. As indicated by the three years that were necessary to reach this proposed settlement, such turnaround as provided by the legal system will not protect the interests of other companies or users.

The proposed settlement does not ''punish'' Microsoft for their abuses. While the donation of computers to schools is a nobel cause, Microsoft will hold the value of the computers donated as a tax write-off. The value of the donation is set by Microsoft, itself, and this donation allows Microsoft to push their monopolic hold on the software used by the schools.

Finally, there is no recompense in the proposed settlement to the competitors and users harmed by Microsoft's anti-competitive practices. There are some business practices that would be prohibited under the proposed settlement, but these are not broad enough to cover the expanse of abuses that Microsoft has perpetrated against its competitors and users. Additionally, the opening of APIs does not sufficiently reduce the barrier to entry into the markets that Microsoft competes in. The listing of APIs to be opened is not broad enough, file formats are not required to be open, and the method for ISVs to request access to the APIs does not fully ensure that these APIs will reach the ISVs in a timely-enough manner for them to be able to release compatible products to their customers. In conclusion, I request that the current settlement proposal as written be rejected .

Sincerely,
Logan Hansen
Network Administrator
Adams State College
208 Edgemont Blvd.
Alamosa, CO 81102
(719) 587–7790

MTC–00017573

From: dave@allunix.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Please do not allow Microsoft to buy it's way, once again out! I still have three boxed sets of IBM's OS/2 as a reminder and as evidence of Microsoft's preditory buisness practices.

David DeTinne
916–997–1157

MTC–00017574

From: Jay Turner
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Would like to express my opposition to the proposed Microsoft settlement.

The proposed settlement falls far short of punishing Microsoft in any way.

The final settlement needs to go much further in the punitive stage.

Microsoft must be brought back to the business procedures that the rest of the software companies in the world are working with, and the proposed settlement does nothing more than serve as a slap on the wrist.

Thanks,
jkt
Jay Turner, QA Manager
jkt@redhat.com
Red Hat, Inc.

MTC–00017575

From: Hetrick, Brian
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Proposed Microsoft settlement not in the public interest

I am Brian Hetrick, a resident of Manchester, New Hampshire. I am employed as a software engineer and have been continuously so employed for over twenty years. I believe the proposed settlement in United States v. Microsoft is not in the public interest.

Microsoft's history of predatory anti-competitive behavior is long established, and seems to be a fundamental corporate philosophy. Microsoft has routinely used its position in one area of the computer market to force entry into and dominance in other areas of the computer market. This practice of leveraging demand for one product into demand for other unrelated products has been a keystone of Microsoft's corporate strategy and behavior. I believe the only remedy for this predatory anti-competitive strategy is to break Microsoft up into a minimum of three separate companies—operating system, office products, and consumer products—to forbid collusion or ''strategic cooperation'' between these

resultant companies, and to forbid these resultant companies from producing products in the areas assigned to the other companies.

This arrangement would make the successes of Microsoft in one area independent from successes in other areas, and would permit competition within each of the product lines. Without a back-door mechanism to get special functionality into Microsoft Windows, Microsoft Office—to pick only one example — would have to compete on a level playing field with competitors. It would no longer be able to offer functionality unavailable to competing office suites. With Microsoft Office expanding its customer base by supporting the two highest volume platforms—Windows and Linux on Intel—Microsoft Windows would no longer be able to depend on demand for Office resulting in demand for Windows. Microsoft would be deprived of the major technique by which it has established a predatory stranglehold on the entire PC software market.

Thank you for your attention.

Sincerely,

Brian Hetrick

CC:Brian Hetrick (E-mail)

MTC–00017576

From: Eric Jergensen
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I find that the proposed settlement has a number of problems. To make best use of your time, let me highlight only what I consider to be the most significant problem:

Microsoft has long used secret agreements with resellers and OEMs to limit their ability to sell and install competing products. Revisions should be made to eliminate this behavior. The further ability to leverage existing monopolies into addition market share in other areas via discounts or other coersions for OEMs based on sales of products like Pocket PC systems should be eliminated.

Eric Jergensen

President

da Vinci Network Services

MTC–00017577

From: Filip Sneppe
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Hi,

I think the settlement proposed by Microsoft is a bad idea: if anything, it will only give them a tighter grip on consumers. Hence they will come out as stronger monopoly in the long run.

Please don't be misled by short-term narrow-mindedness; the USA has become a blooming economy and, more specifically, a world leader in IT and software development through openness. Do not fall prey to a state of mind that does not tolerate others and what they stand for or believe in.

Regards,

Filip Sneppe

IT Consultant

Belgium

MTC–00017578

From: stan@alpha.hyperusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Microsoft has consistently and ruthlessly exercised it monopoly power over the entire information industry. They should be not only prevented from continuing these practices, but also be punished (i.e., fined heavily) for what they have done already. Please don't let this monopoly continue or it will use its power to spread to other industries—-as it is now doing.

Regards,

Stan Gatchel

MTC–00017579

From: nealr@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement is very bad

You guys are falling flat—let the monopolist pay for their sins by giving ''free'' software to schools? How about letting me print some $100 bills if I get a fine in court?

Neal Rauhauser CCNP, CCDPvoice: 402–391–3930

http://AmericanRelay.comfax : 402–951–6390

mailto:nealr@AmericanRelay.comfcc : k0bsd

MTC–00017580

From: Thane Walkup
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Thane Walkup

MTC–00017581

From: Cuny, David(a)DSS
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

I'm writing this e-mail in response to the Proposed Final Judgement (United Stated v. Microsoft). I'm especially concerned about the use of the terms ''Middleware'', ''API'', and ''Operating System Product''.

Historically, Microsoft has shown that it will go to great lengths to comply with the letter of the law, while completely ignoring the intent. An obvious example was the release of version of without IE. Other examples include embedding and spreading the IE API calls throughout the Windows DLLs, and renaming ''Applications'' to ''Operating System components''.

The current definitions of ''middleware'', ''API'', and ''Operating System Product'' make it trivial for Microsoft to sidestep the law by making minor changes in their product, or by simply redefining what the product is. For example, by changing product version numbers or how they distribute middleware, Microsoft can completely sidestep any remedy which addresses middleware.

There are many other issues I have—such as not releasing file formats— but I have chosen to focus on these features to highlight my concern that the remedy proposed against Microsoft is essentially toothless and easily sidestepped.

Thank you.

David Cuny

MTC–00017582

From: Carey Dalton
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

I do not believe that the current Microsoft Settlement goes far enough in punishing Microsoft's monopolistic behavior in the past or enough to curb their monopolistic behavior it in the future.

Thank you for your time.

Sincerely,

Carey Dalton

Programmer

209 Golfclub Rd.

Knoxville, TN 37919

865–558–9597

MTC–00017583

From: eabolden@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I have a problem with undocumented file format API's. I work in a mixed platform environment of PC's Unix Boxes, X-terms, Macintoshes. The need to share documents between the platforms relies on translation software and compatible office productivity software. Changes to Microsoft Applications Document structure which are not documented greatly slow the ability to share work outside of a Microsoft world. The pushes the single platform Microsoft box solution due to adminstrative decisions, instead of the better task-matching diverse systems supported by research. [Eric Bolden University of Wisconsin—Madison

eabolden@facstaff.wisc.edu

MTC–00017584

From: scott schmidt
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I would like to voice my opinion against the proposed settlement in the Microsoft case. After reading the relevant documents, I have concluded that the remedy in no way fits the crime and conviction. There is no real punishment for past ill-gotten gains, nor is there any real material substance in preventing MS from engaging in prior illegal practices in new markets.

I agree much more with the alternative settlements offered by the opposing states.

I thank you for taking my opinion into consideration.

Sincerely
Scott Schmidt
618 654 8611

MTC–00017585

From: Richard W. Lipp
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

Greeetings:

As an information technology professional, and as an American citizen, I feel it is my duty to provide comment, as provided for in the Tunney Act, on the proposed final judgement in the Microsoft anti-trust case.

In essence, my opinion is that the proposed final judgement provides so many loopholes that it provides no effective means to prevent Microsoft from continuing to engage in anti-competitive monopolistic behaviors. As one reads text of the proposed final judgement, and analysis of the proposed final judgement, one cannot help but wonder if Microsoft were allowed to write the document in whole! Specious definitions and narrow catagorizations result in a document that fails to properly address Microsoft's past behavior. The result is a document that provides very few obstacles to continued monopolistic behavior, and even those are easily circumvented by the exact same sort of tactics used by Microsoft to get around past efforts to control its behavior.

Microsoft has previously used the tactic of renaming a version or product to remove it from the scope of legal agreements. Microsoft has previously used the tactic of claiming, and claiming falsely as has been shown, that a governed product is an essential part of another ungoverned product to remove it from the scope of legal agreements. Microsoft has repeatedly shown that any rules dependent on their agreeing to ''play nice'' are effectively worthless. Still, the proposed final judgement retains several loopholes that will allow Microsoft to use the exact same tactics again. Microsoft claims a ''freedom to innovate'', but the proposed final judgement does not even require them to innovate new methods of circumvention. We might as well rename the document the ''New England Migratory Waterfowl Breeding Act''. In the final analysis, the proposed final judgement is about as effectual in either arena.

Respectfully,
Richard W. Lipp
Information Systems ManagerVoice:913/236–8110 x1223
List & Clark Construction CoFax:913/236–4052
Holliday Sand & Gravel CoeFax: 413/480–3723
Central Plains Contracting Co E-mail:RWLipp@List-Clark.com

MTC–00017586

From: Michael Morris
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Michael Morris
Glendale, AZ
memorris@christsgarden.org

MTC–00017587

From: Vicki Brown
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: comments on Microsoft Settlement

MicroSoft has been found guilty of being a high-handed monopoly. The only way to stop them is to stop them in truth. Their punishment must be severe— severe enough for MicroSoft to get the message, severe enough for any other company to get the message, severe enough for the people who use their products to get the message.

We must not say ''Oh, you did wrong, but gee, so many people use your products''. We must only say ''You did wrong. It's not acceptable. Your practices will not be tolerated.'' MicroSoft needs more than a wink, a nod, and a slap on the proverbial wrist.

MictoSoft needs to know that their type of business practices are NOT acceptable.

—Vicki
Vicki Brown
P.O. Box 1269
San Bruno, CA
94066 USA
Journeyman Sourceror:
Scripts & Philtres
Peri, Units, MacOS

MTC–00017588

From: Jeremy Padfield
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement

The existing settlement proposed in the Microsoft antitrust trial is insufficient to prevent Microsoft's past conduct from continuing in the future. Such conduct harms the market, stifles new and innovative technologies, and reduces the operating systems and applications choices available to end-users.

Any acceptable settlement in this case must impose tighter restrictions and penalize Microsoft heavily for any continued anti-competitive violations. Any acceptable settlement must also include an effective enforcement mechanism that Microsoft cannot dodge or ignore. Microsoft has been known to flagrantly ignore external authorities in past cases and this kind of corporate arrogance must be curtailed.

For the sake of customers, partners and competitors alike, please reject this proposed settlement and seek more stringent remedies against this monopolist.

MTC–00017589

From: Weigert, Daniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Microsoft judgement is fatally flawed. If they wish to remain a monopoly, then they must accept the consequences of being a regulated monopoly.. If they want to be on their own, then they must be held accountable for their abysmal behaviour in the computing industry. The proposed settlement is nothing more than a reward for their bad behaviour. If nothing else, they should be broken into four or five different companies to make sure that they don't concentrate this much influence again.

Daniel Weigert
Cirqit
100 South Jefferson Rd, 3rd Floor
Whippany, NJ 07981
Phone: (973) 257–8781
Fax: (973) 257–8764
dweigert@cirqit.com

MTC–00017590

From: William Warner
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement
To: The United States Department of Justice

Re: Proposed Final Judgement in United States v. Microsoft

I have read numerous newspaper articles and web pages regarding the PFJ, most notably the DOJ's web site and Dan Kegel's web site. I am an electrical engineer writing software for a large wireless company with eight years experience in the field. I am a consumer of software for personal computers, some from Microsoft, some from other vendors, and some free and open source.

First, I want to endorse Mr. Kegel's open letter to the DOJ. http://www.kegel.com/remedy/letter.html

I agree with Mr. Kegel in that the PFJ is too narrow and technical to limit Microsoft's anti-competitive practices. Second, let me describe how Microsoft harms me, the consumer and citizen, and what the results of a Microsoft penalty should be.

Microsoft prevents me from buying quality software. While Microsoft has some desirable products, such as its desktop office suite, there are many that are both inferior and expensive, such as its personal internet information server. By forcing OEM into exclusive contracts, Microsoft prevents them from competing with one another to deliver the best software package to me. I would like to buy a computer with the Microsoft Office suite and the apache web server (which is

free, secure, efficient and scalable) preinstalled and configured, and I am sure that major manufacturers like Dell and Compaq would offer this combination if they could, as it's a combination frequently deployed by individuals and corporations. Microsoft prevents developers from producing quality software. In a competitive market place, software developers should win by giving consumers the most value. The fact that Microsoft applications only run on run on Microsoft Windows is a sign that the software market is less than competitive, since in a competitive market their application market would expand if applications were ''ported'' to other platforms. This is harmful to me, the consumer, in that it prevents me from choosing the best platform on which to run a selected Microsoft application. Likewise, it prevents developers from creating applications that run on the Microsoft platform.

Finally, Microsoft weakens the national information infrastructure. While

I credit Microsoft for making computers affordable and accessible to consumers, and hence creating a good deal of the information infrastructure, their anti-competitive practices have shielded them from the market forces that would naturally result in better software for everyone. The ''nimda'' computer worm is an excellent example. It was not a subtle bug in Microsoft's web server, it was more like an invitation to vandals, and it is costing individuals and their internet providers many millions of dollars. I am certain that this overlooked security hole would have been found and secured in a competitive software market. As it is, we all suffer as a result of Microsoft's arrogance.

Thank you for your consideration.
William Warner
Seattle, Washington
wwarner@yahoo.com

MTC–00017591

From: Peter Smith
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This is a ''Tunney Act'' comment on the proposed Microsoft settlement. If Microsoft, found guilty of a serious crime, despite their perjured testimony during the trial, is punished by a settlement so light, how can we with a straight face ever give anyone any harsh punishment? In an age where ''three strikes and you're out'', and no parole, and mandatory jail time, how can this settlement be justified? They were found guilty by a court. They were found guilty by an appeals court. Their appeal to the Supreme Court was denied.

Why back down now? Why, after a reasonable punishment was determined (that Microsoft be split up) is the new, ''fixed'' version so light?

My specified beef are

(1) Microsoft may decline to expose any particular API by declaring that it's used for ''security''. However, this includes most of the profitable third party industries. How can anyone inter operate with, for example, Microsoft's Exchange email server without the necessary technical details?

(2) The definition of ''Windows'' is absurdly narrow. Microsoft currently sells at least five different operating systems (X Box, WebTV, Windows CE, the ''Windows 95'' version of windows and the ''Windows NT'' version). Most of these are not covered. Microsoft can escape from most penalties by simply making a new operating system. Given that they have created so many operating systems in the last ten years, it's not hard to see them making more.

(3) Microsoft is not prevented from refusing to sell their OS to the different PC manufacturers. It was well documented at the trial that they have used their OS power to push other products; this is the very nature of anti-competitive behavior that should be stopped.

Thank you for listening,
Peter Smith

MTC–00017592

From: Rachael Esterkin
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

MTC–00017593

From: Anthony Valentine
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

Ms. Hesse,

I would like to inform you of my objections to the Proposed Settlement in the Microsoft Anti-Trust case.

As a Linux user, I frequently attempt to convince people to try Linux. Very few people actually do. Most people I talk to about it say that they need Microsoft Office, and since it doesn't run on Linux, they won't try it.

I have come to the conclusion that the average person doesn't seem to care about the Operating System that runs on their computer, they care about the applications. The people I talk to say that they like what Linux can offer them in terms of cost, security and stability. However, they are willing to endure the crashes and viruses so rampant in Windows, simply because everybody else runs Office, so they have to also in order to exchange documents.

The Proposed Settlement does not require Microsoft to disclose it's Office document formats. I think that it should. This one small addition would allow people to use competing software and still be able to exchange MS Office documents. If people were able to this, most of the objections to trying Linux (or any other OS) would go away.

Openness is the key here. One of the reasons that Open Source Software is successful, is that everything is based on open standards. This openness allows anybody to write new or extend old software. The effect of this is a large number of different software packages that all do the same thing a lightly different way, giving the users a large pool of options to choose from. Which is the whole point: let the users choose what they want to run, instead of forcing them all to use one package.

I would also like to make a brief comment on the state of the economy and it's possible impact on the Settlement. I am not an economist, however some articles that I have read alluded that the Proposed Settlement is purposely lenient because the DOJ doesn't want to cripple a major US corporation in times of economic downturn. I do not know if this is true or not, however I can say that I would disagree with it if it were. Large monopolistic companies are bad for the economy (more so during an economic downturn), which is the entire purpose behind the Anti-Trust laws in the first place.

Thank you.
Anthony Valentine
Spenard Builders Supply
System Administrator
amv@sbsalaska.com

MTC–00017594

From: Jason Hill
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I believe the proposed settlement to be a bad idea.

Jason Hill
jhill@weblinc.com
215.925.1800 x102 http://weblinc.com

MTC–00017595

From: Brad Baggett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Brad Baggett
Network Engineer
CST, Inc.
256–890–3011

MTC–00017596

From: Brian C. Cunningham
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I do not like the settlement that someone in the government has made after lining their pockets with Microsoft dollars. Break them up.

Brian C. Cunningham
Pittsburgh, PA, USA

MTC–00017597

From: newquist@ speakeasy.org@inetgw
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I've been watching the proceedings of the Microsoft anti-trust case for years now, and respectfully disagree with the proposed settlement. There are too many points to address fully, so I'll just point out the one that bothers me the most.

The proposed settlement doesn't do much to foster competition in the software market. We should require Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications, with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field. This would greatly reduce the lock-in that Microsoft has on the consumer and businesses.

As an example, Intel and AMD have been successfully competing, with great benefits to the consumer, based on the open X86 CPU instruction set. I firmly believe that creating open standards out of the core Windows infrastructure would create similar benefits to consumers.

Sincerely,
Jeff Newquist
Computer Engineer
Hillsboro, Oregon, USA.

MTC–00017598

From: Tom (q)spot(q) Callaway
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

The proposed settlement does not punish Microsoft, it rewards them for being a monopoly.

This is a mockery of justice, and is a terrible idea. spot

—-

Tom ''spot'' Callaway
<tcallawa@redhat.com> Red Hat Sales Engineer

Sair Linux and GNU Certified Administrator (LCA)

Red Hat Certified Engineer (RHCE) GPG: D786 8B22 D9DB 1F8B 4AB7 448E 3C5E 99AD 9305 4260

The words and opinions reflected in this message do not necessarily reflect those of my employer, Red Hat, and belong solely to me.

''Immature poets borrow, mature poets steal.'' —T. S. Eliot

MTC–00017599

From: Michael Bishop
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: I do not agree with the proposed settlement

Under Definition U: The definition of Windows Operating System Product is too narrow.

It should include any OS that allows programs written to the Win32 API to run. The way it stands now, Microsoft could evade the provision by turning its efforts toward developing a different operating system or focusing on an operating system not covered that still supported the Win32 APIs.

— michael
Michael Bishop
Oakland, CA

MTC–00017600

From: Ronny Smith
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

I'll try to keep from ranting, but when it comes to this issue, that's easier said than done.

Fact: THE GOVERNMENT (for the people) told Microsoft in no uncertain terms in 1995 how they had to act to avoid BREAKING THE LAW.

Fact: They did it anyway. A judge has ruled.

Fact: Microsoft, in breaking the law, has made more money from its ILLEGAL activity than the mind can comprehend.

Fact: The settlement does NOT punish the criminal on a level equal to the profits made, and the damage done to hard working computer professionals the world over. Fact: Criminals are doing time for offenses where one person was damaged hundreds or thousands of dollars. You have criminals at Microsoft, who ran up damages into the millions or billions, and affected the livelyhood of possibly hundreds of thousands of people. Why don't they do time as part of the ''settlement''?? Fact: The ''proposed settlement'' is basically saying, ''don't break the law again''. Please. Give me a break, and THROW THE BOOK AT MICROSOFT! They should be treated with all the respect due a common CRIMINAL!

Sincerely,
Ronny Smith

PS All public comment should be scrutinized very carefully to make sure it is PUBLIC comment.

Microsoft has a mighty PR team of low lives, and have been known to have financial ties to people submitting ''public'' comment. Just ask the LA TIMES.

MTC–00017601

From: Rob Bos
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

I am a citizen of Canada who believes he will be harmed by any settlement decision of the Court that will allow Microsoft to continue abusing and extending the monopoly power that they have illegally acquired and maintained.

Please let it be known that the decision of the Court will affect many people outside the Court's jurisdiction.

MTC–00017602

From:
wolff@speakeasy.crc.ricoh.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern,

As a professional research scientist in the IT field having given careful consideration and study to the terms of the proposed final judgment I must respectfully disagree with the conclusions of Department of Justice and strongly urge you not to proceed with the settlement in this form. Contrary to being an effective remedy, I believe that as currently written the proposed final judgment would strengthen Microsoft's monopoly and further damage competition.

The current proposed remedy relies on the concept of ''middleware'' to promote competition. By defining middleware in terms of API's and other documentation published by Microsoft, the PFJ presupposes and encourages the continuance of Microsoft's dual monopoly in operating systems and applications. As the original Finding of Fact rightly pointed out, Microsoft's monopoly stems from the market need for a critical threshold of available applications before an operating system can be accepted. Likewise developers create applications only for accepted operating systems.

The current proposal frees Microsoft to continue existing dependencies and create new dependences between applications and Microsoft's proprietary operating systems. This leaves Microsoft's monopoly power intact and unfettered. In fact, the PFJ sanctions these dependencies. For example, sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. Thus information which could be used to create competition for operating systems is expressly denied from being used for that purpose.

By defining the basis of competition at the middleware layer, the PFJ guarantees there will be no competition. Microsoft has already shown that it is willing to sacrifice any revenue opportunities at this layer in order to protect the the revenues associated with both sides of the middleware where it holds monopolies on the operating system and application. Since no competitor has access to these revenue sources, and there is no chance of severing the dependence between applications and operating systems, there is no economic incentive for competition to enter. Hence there will be no competition.

To be an effective solution that benefits the public interest, any settlement must break the proprietary dependence between applications and operating systems. For example, applications like Microsoft Word must be able to run on non-Microsoft operating systems. Microsoft currently prevents these applications from being used on non-Windows platforms through a variety of technical and legal means. I believe it is possible and within scope of law for the DOJ to create remedies that accomplished this goal. However the current proposed final judgment will not achieve this and in all probability will lead to continued monopolistic practices and harm to consumers and the market.

Please note that while I am an employee of Ricoh Innovations, Inc. the opinions expressed here are solely my own and not those of Ricoh Innovations, or its parent company.

Sincerely,
-Gregory J Wolff
Gregory J. Wolff wolff@rii.ricoh.com
Ricoh Innovations, Inc http://rii.ricoh.com/wolff/

2882 SandHill Rd. Suite 115 phone: +1.650.496.5718
Menlo Park, CA 94025–7022 fax: +1.650.854.8740

MTC–00017603

From: Clark McGrew
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my dissatisfaction with the propose Department of Justice Settlement of the Microsoft Antitrust case. The drafted settlement does little to address the core monopolization violations that were affirmed by the unanimous Court of Appeals in June 2001.

The DC Circuit Court found that a remedy should ''unfetter [the] market from anti-competitive conduct'' and ''terminate the illegal monopoly''.

This coulde be facilitated by Section III.D which requires that ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product''. However, the limitations in III.J seem to render the provision meaningless.

The current settlement will allow Microsoft to maintain tight control over the community which develops products that interoperate with Microsoft Windows System APIs. Further, it allows Microsoft to decide who will compete against it's middleware products by requiring a ''reasonable business'' need for the API documentation which will allow Microsoft to prevent competition from OpenSource software (e.g. software developed in a manner akin to the Linux operating system). I suggest that Microsoft should be required to publicly document all Microsoft Windows APIs without requiring non-disclosure agreements, or undue publication fees.

Finally, the security concerns mentioned in III.J.1 provide no justification for weakening the API documentation requirements. The field of computer security has demonstrated through many years of experience that security cannot depend on obfuscation and is best maintained using well documented security measures. This section provides Microsoft Middleware with another unfair advantage to compete against third party products. I ask that III.J.1.a be struck completely.

Sincerely,
Clark McGrew
clark.mcgrew@sunysb.edu

MTC–00017604

From: Sean Riley
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I believe the proposed deal does not go far enough in punishing Microsoft and should therefore be rejected.

Sean Riley
SeanJRiley@Yahoo.com

MTC–00017605

From: John R.
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

Good afternoon,

I am writing in response to the Proposed Final Judgement to the currently open anti-trust case against Microsoft. I have read large portions of the proposal and related information and have found numerous problems with it.

I find that it is at best, rediculous, and at worst insulting to the American public. I'll center my complaint on a single issue in the spirit of brevity.

The Microsoft Platform SDK EULA says:

''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. I find it to be more than a bit wrong to force developers to exclude target platforms based on whether Microsoft chooses to admit that it is a compatible platform.

Please deny this proposal and move forward with a course of action that would actually eliminate (rather than complicate) the anti-competitive practices of Microsoft.

John D. Rothe
johnr@sanctuary.org
Bloomsburg, PA.

MTC–00017606

From: boojack@tubbs.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

For a number of reasons, this settlement is a bad idea. As a U.S. Citizen, I do not support it.

MTC–00017607

From: Bill Pela
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: microsoft settlement

Dear Sirs,

I would like to offer a few comments on the state of the microsoft settlement.

1. I had/have a very hard time accepting the reversal of Judge Jackson. As far as his comments about mocrosoft executives, I agreed. The execs. that ''testified'' sounded like idiots that MUST have found their riches under a rock they tripped over, I.E. 'I don't understand the question'.

2. microsoft itself MIGHT, in fact, be sealing it's own fate with concepts like XP but, with their past history of total want of control of all things computer, and now internet, I fear for average users.

3. Bill Gates doesn't come across as a person that is either intelligent or compassionate. I believe ''power mad'' is the closest description I can imagine, it can't be about money anymore, can it?

Steve Ballmar sounds like a very unreasonable person, profit as the motive or not.

Yes, I am a LinuX user, in part because of the actions of microsoft, please don't let these people ''off'' to continue to treat average users the way they have in the past and indicate they will treat them in the future. A lot of consumer income hangs in the balance.

Thanks for your time, Bill Pela
5113 Turtle Cove Rd.
Garland, Tx 75044

MTC–00017608

From: Robert Nevitt
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I think this settlement is bad. I'm voted for Bush in the election, but because he apointed the DOJ head who made this settlement I won't vote for him again.

Robert Nevitt
generati@onebox.com—email
(415) 430–1269 x9783—voicemail/fax

MTC–00017609

From: Elliott, Geoffrey R
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

To whom it may concern...

I would like to add my voice to the opposition of the settlement with Microsoft. I feel that it does very little to ensure that the anti-competitive (and illegal) behavior of which Microsoft has been convicted will not continue. I also feel that it does not properly punish Microsoft for its behavior, and that in regards to both concerns the action proposed by the nine states better serves the interests of our country.

I am a web developer; I have been aversely affected by Microsoft's illegal actions. With their ill-gotten dominance in the browser market I fear that they will feel no need to improve their products because they have no competition. Without competition, markets stagnate, and we all suffer.

I do not want to see Microsoft's anti-competitive and illegal behavior continue unchecked, and believe that the current settlement will allow just that.

Geoffrey Elliott
geoff.elliott@pnl.gov
509.372.4325

MTC–00017610

From: J. Jentink
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: U.S. v. Microsoft

Dear Sirs——

I have been in the US computer industry since the late sixties and there exists no threat to the long term American economy that approaches where Microsoft is headed. Allowing them to continue their shady practices and underhanded tactics based on monopoly and monetary power must stop. We must come down on them hard and immediately. The proposed settlement is less than a hand slap. We need some real teeth in terms of immediate penalties to aid those harmed, a prohibition of Microsoft expanding their tentacles into new areas and a totally independent mechanism for makes certain their practices are brought back into the norm of honest and fair business practices.

1) The quality and reliability of Microsoft products are at a level that would be unacceptable in any field without monopoly control.

2) Any company that choices to partner with Microsoft has brought about their own

death. Some are bought but for most, their intellectual property is usurped by Microsoft.

3) Almost no innovation is happening within the areas of Microsoft control. Companies know that every innovation they introduce will eventually be taken by the evil monopoly. For example, it is almost impossible to get venture capital for software development today. The people with the money know that Microsoft will use its power to take it for their own and then they will have to pay the costs of fighting a legal battle with the big money machine. They know historically that there is not winning, eventually Microsoft will prevail.

4) The only things that Microsoft seems to be afraid of today are truly open standards that they can not ''embrace and extend'' and the Linux ''free and open'' operating system. One should note that Linux is a essentially a product of Europe and often associated with their institutions of higher learning. There is little input from US institutions since our universities take our public money but instead of giving new technologies and software developed using this money back to the public, they sell or license them for additional income.

If these trends continue, the world will eventually need a solution to the high cost and low quality of Microsoft products. By that time, only countries like India and China or the EU will have the ability to produce systems and products independent of Microsoft's control. Such a turn of events will dramatically reduce our now dominant position in computing, networking and information engineering to that of a third rate contributor, with a heavy toll on our economy and quality of life.

Thank you for your attention,

J. Jentink

MTC–00017611

From: Darryl Davidson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:37pm
Subject: regarding Microsoft Settlement

To whom it may concern;

My name is Darryl Davidson. I am a computer professional, with 20 years of involvement in the industry, and I have spent a considerable amount of time monitoring this case. I'm writing to voice my grave disappointment at the settlement being offered Microsoft in their ongoing antitrust trial.

As a consumer, I've watched Microsoft repeatedly add features to their various operating systems that made for compelling upgrade sales, then abandon these features a version or two later. The price climbs, the quality stays mediocre, and the market value earned by Microsoft's monopoly has literally exploded.

If Microsoft is to be treated as a legal monopoly like many public utilities, a profit margin that is literally orders of magnitude above the cost of goods produced (hundreds of dollars retail for OS copies that cost a few dollars) needs to be a targeted, regulated outcome of their monopoly status.

If, as this settlement allows, there will be no public protections against the gouging that Microsoft is busily doing, and if the remedies presented are going to be this toothless, antitrust has become a travesty.

The remedies need to provide direct and immediate punitive damages at a level that acts as a corporate deterrent to the abusive practices Microsoft has been found guilty of. None of the remedies offered do this. This decree should be setting a new record for damages. Instead, it is less than a slap of the hand.

The remedies need to act to regain the balance and competition Microsoft has squelched though anticompetitive measures. Ignoring for a moment the patheticness of creating a 3 person board to monitor this settlement, allowing Microsoft ANY position in the regulatory board is ludicrous. One man can stymie a 3 person committee or board. Add in the lack of true, unassailable enforcement strengths given to this board, and you've nearly guaranteed we'll just be starting antitrust proceedings again in a few years.

In short, this settlement should be completely thrown out. It does nothing to remedy damages to consumers, nothing to deter anticompetitive acts in the future, and nothing toward enriching competition. It is a paper tiger, and will never accomplish a damn thing for those of us damaged by Microsoft's illegal acts.

–Darryl Davidson

PS: My only vested interests in any of these procedings are 10 shares of Microsoft stock. I am not now, nor have I ever been, an employee of any of the primary companies involved in these procedings. My interest is strictly as a consumer and as an industry member who empathizes with those caught in the crosshairs of large, anticompetitive corporations.

CC:'darryl(a)cableone.net'

MTC–00017612

From: David Wood
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

As a software developer for over 10 years, and an entrepeneur in the software and media (video game) industries, I feel I must offer my comments on the proposed settlement between Microsoft and the Department of Justice.

In summary, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

It is my firm belief, and one shared with many of my colleagues, that Microsoft has, by virtue of its status as a monopoly, been a massively pernicious influence on the computer industry, and by direct result, on our nation's economy. The insulation from real challenge which Microsoft has enjoyed over the past 15 years has been felt uniformly in its products, services, and conduct toward its customers, let alone towards its competitors. Had Microsoft been obliged to compete on the basis of technical merit alone, our everyday computing experience would be staggeringly different—with a net effect of what I believe to be hundreds of billions of dollars in cumulative productivity gains.

When Bell Telephone was still the nascent nervous system of our country, regulators saw the necessity of strong remedies, despite some now familiar scare tactics. Had they not, phone calls would cost dollars instead of cents, and the world would be a very different place; dependent on the imaginations of a single organization which is insulated from threats and fears change.

Developing a remedy for the computer industry will be even more difficult than for the telecommunications industry, and it will be even more essential.

In short:

* While the government cannot maintain an operating system standard, or pick a winner from the marketplace, it can have a massively beneficial effect by encouraging competition through a remedy which directs Microsoft to providing some aid for ISVs engaged in making Windows-compatible operating systems.

By inducing Microsoft to make full disclosure about its products, especially its operating systems past and present, and to support competitors who wish to make compatible products, competition can be reintroduced to the marketplace. This will force developers to compete on the basis of merit, instead of through obscurity, lack of standardization, incompatibility, and patent lawsuits—the current way things are done.

The Findings of Fact (P52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

To the contrary, the PFJ as it currently stands, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs, and it would virtually ensure Microsoft never need fear meaningful competition on the basis of technical merit.

* The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

* The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways: The PFJ fails to require advance notice of technical requirements, API documentation is released too late to help ISVs, many important APIs would remain undocumented, unreasonable restrictions are placed on the use of the released documentation, file formats remain undocumented, and patents covering the Windows APIs remain undisclosed.

* The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices: Section III.A.2 allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

* Microsoft still engages in EULA practices which discriminate against competitors, specifically any windows-compatible alternative operating system. Specifically, I provide two examples: the Microsoft Windows Media Encoder 7.1 SDK EULA discriminates against ISVs who ship Open Source applications, and the Microsoft Platform SDK EULA prohibits use of necessary components on non-Microsoft products. There are numerous others, as this is a systematic anticompetitive strategy on the part of Microsoft. The PFJ does nothing to discourage these onerous practices.

* Microsoft's enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

* The PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

* The definition of ''Microsoft Middleware'' (P28) is unnecessarily restrictive and contains significant loopholes, such as exclusion based simply on version numbers or distribution methods.

* ''Microsoft Middleware Product'' does not include .NET, Outlook, or Office. I should note that these and other objects have been excellently detailed further at the following URL: http://www.kegel.com/remedy/remedy2.html I hope that these matters will be seriously considered.

Microsoft's belligerent behavior and our-way-or-the-highway quality standards have been a terrible burden on our workplace, our industry, and our lives. We hope the court has the imagination to understand what better alternatives exist, and to understand the dramatic good effect that strong, intelligent, proper solutions can have. With the high costs and dramatic failures the press has recently observed, I trust the disaster of the status quo is obvious.

Best Regards,
–David Wood

MTC–00017613

From: Andrew Sayman
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The current judgement seems to do little to affect the market that Microsoft has illegally dominated. I disagree with this judgement and think significant revision is in order

MTC–00017614

From: Kahli R. Burke
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

To whom it may concern:

I have been watching the progress of the antitrust case against Microsoft for many years now. While I am not an expert in law, I do believe I have a valid and useful perspective as both a software engineer and American citizen. It is clear to me, and this has been proven in a court of law, that Microsoft has been engaged in anticompetitive practices for a long time. It has used its market position, obtained by bullying smaller companies, to bully more companies and increase its market share further. It has abused its power, and should be punished for its tactics and the harm it has done. Aside from reparations, there should be strong rules put in place to stimulate competition and open opportunities for others to compete in this market.

I believe, and there are many who would agree with me, that the current proposed settlement does not do enough to right Microsoft's wrongs. I will not take the time now to go over all the areas that could be improved, but simply touch on a few major issues.

1. The language for non-discrimination against OEMs that sell computers with an OS other than Windows does not seem strong enough, specifically in terms of smaller OEMs.

2. Microsoft must be forced to open proprietery APIs and document formats for Windows and Microsoft Office to stimulate competition in this area.

3. Microsoft routinely discriminates against open source software in it's EULAs, disallowing open source software that operates with the Windows operating system to be shipped with certain Windows add ons that it may depend on. This creates a barrier to the market for open source software, based solely on the license for the software.

4. Microsoft has a proposal for donating some of its software to schools as reparation for past ills, but this serves as a way to increase its market share in education, at minimal cost to Microsoft. Perhaps Microsoft should pay the money it says its software is worth, and allow the schools the choice of which hardware and software platform makes the most sense.

It seems likely that unless more is done to prevent illegal practices, Microsoft will continue to have a stranglehold on the software industry, and derivatives, such as internet services. I strongly urge you to take this letter as evidence that the American people do not agree with this proposed settlement, as for every one that communicates with you, there are probably a few hundred more who feel the same.

Thank you,
Kahli Burke
1675 Long Island Dr.
Eugene, OR 97401

MTC–00017615

From: Steve Russo
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I don't believe that the settlement is fair. We have lost many great companies because of the predatory nature of Microsoft. I have been forced to buy their operating systems with new pcs, even though I don't use their operating systems, I use linux.

I am currently in the process of signing up for the class action suit in Minnesota. Please do not let them get off of the line this easily. We cannot bring our lost companies back, but we CAN do something about the companies that are left.

Also, in my opinion, their sales will not affect our economy as much as the lost companies would have. They are being boycotted in many countries because of their practices. We are losing our market share in these remote locations because of them.

Thanks,
Steve Russo
http://www.fixyoursink.net
http://users.fixyoursink.net/stephen.russo

MTC–00017616

From: Richard Huffman
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

Perhaps I am misunderstanding, but how can it be a good thing to take small measures to re-introduce competition in application software while legitimizing the near monopolistic control of the operating system market that they used to get in trouble in the first place? If someone commits a robbery, do we return the weapons to him before he has even served his sentence, or at all??

Microsoft leveraged a monopoly in one market to create a monopoly in another. Shouldn't an effective remedy curtail *both* monopolies?

Thank you for your patience
Richard Huffman

MTC–00017617

From: John B. Pormann
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

As a computer professional, I would like to add my comments to those being collected towards the final settlement with Microsoft Corporation. Please note that these opinions are my own and should not be construed to reflect on my employer, Duke University.

Ralph Nader and James Love put forth a number of good comments in their open letter, available at: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Perhaps most critical of these points is the fact that Microsoft has repeatedly used proprietary file formats to thwart interoperability efforts with other platforms. In some cases, this

obfuscation of file formats has been extreme enough that THEIR OWN PRODUCTS have not interoperated across different versions. One particular example occurred when their MS Word 5 product could not read files created under MS Word 6. This apparently happened again between Word 6 and the Office 97 release.

By repeatedly changing file formats and NOT publishing the new formats in a timely manner (if ever), Microsoft imposes a significant hurdle upon other companies that wish to compete in the marketplace. Such competition is simply not present in the market today, with the end result that users have THEIR OWN DATA tied up in Microsoft's proprietary file format. By tying a user's data into a proprietary format, Microsoft inhibits a user's ability to move, or even test, their business operations on other vendor products. If a budget spreadsheet is in the MS Excel format, you must use MS Excel to read or analyze it, even though other, perhaps better, analysis methods could be developed outside of MS Excel. Note that this is THE USER'S DATA, not Microsoft's. This is data that could be critical to the operation of their business, and it is tied up in Microsoft proprietary file formats. Thus, the user must spend additional resources, both time and money, to regain access to THEIR OWN DATA if they switch to a competing vendor.

I suggest that additional thought be given to imposing some form of standards to Microsoft's file formats, either:

1. forcing Microsoft to only use file formats approved by an INDEPENDENT standards body; or

2. forcing Microsoft to publish their file formats, including a reference implementation, to encode and decode such formats, available in a platform-independent source code format

In either case, Microsoft's adoption or creation of a new file format should be published WELL BEFORE the sale of any new computer program so that competing vendors have the opportunity to interoperate with the standard at the time the Microsoft product hits the market.

Thank you for the opportunity to share these thought with you.

John

John B. Pormann, PhD Phone: 919–660–5171

Dept. of Electrical Engineering Fax: 919–660–5293

Duke University Email: jpormann@ee.duke.edu

Box 90291, Durham, NC, 27708–0291

MTC–00017618

From: Josh Simmons
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement

For a fair and just conclusion to the Microsoft Settlement, I feel Microsoft should have to provide restitution in the form of competitors products. They should provide to federal, state and county institutions and schools products such as hardware from Apple Computer, Sun Microsystems, SGI and Novel, as well as software from Apple Computer, Oracle, Netscape and Britannica.

Any donations, contributions and or reduced rate sales of Microsoft hardware and or software would only further their monopoly in the computer hardware and software markets.

These are my opinions, comments and suggestions on the matter of the Microsoft monopoly.

Josh Simmons
Reno, NV

MTC–00017619

From: David Johnson
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: No! to Microsoft Settlement

Dear Sir or Madam:

I would like to register my disagreement with the proposed antitrust settlement with Microsoft. More should be done to reduce the power of Microsoft against its rivals—power that Microsoft has used repeatedly to cripple or destroy competitive products. Microsoft must also be obliged to pay a substantial penalty—one more commensurate with the damage done to the competitors and the costs imposed on consumers.

Thank you for your time.

Sincerely,

David Johnson

David R. Johnson, Ph.D.

Research Scientist, Department of Pathology

454 BCMM, 295 Congress Avenue

Yale University School of Medicine, New Haven, CT 06510 USA

Tel.: 203/737–2298, Fax: 203/737–2293

MTC–00017620

From: William C. T. Van Hecke
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Harsher punishment necessary.

The company has abused its monopoly power, and deliberately failed to comply with the already lenient punishment assigned to them. Such an infraction does not deserve a ''slap on the wrist'' punishment, a fine that will barely dent Microsoft's enormous supply of cash. Nor does it deserve the chance to further its monopoly via software ''donations'' that cost next to nothing to produce. ''Infinitely more than nine'' jetfuel@metalbat.com http://www.metalbat.com

MTC–00017621

From: JD Frazer
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The proposed settlement appears not only ineffective, but sets a precedent for Microsoft to do as it wishes with little fear from the government.

I recommend scrapping the settlement and taking Microsoft to task.

JD Frazer
illiad@userfriendly.org

MTC–00017622

From: Brandon Stephens
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Brandon Stephens
Network Security Administrator
CFD Research Corporation
215 Wynn Drive
Huntsville, AL 35805
Tel: (256)726–4890
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Email: bxs@cfdrc.com
http://www.cfdrc.com

MTC–00017623

From: Steve Bratt
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement—Not in Favor

I am a computer professional who has been a user of all forms of software on various platforms for years. I have always felt that Microsoft abused it's position in the marketplace in various ways, and was happy to see action taken by the government to document and curtail this behavior. Unfortunately, my opinion of the proposed settlement is that it will do little or nothing to curb Microsoft's core behavior. It may make it harder for them abuse monopoly power in a few specific segments of the market defined in the settlement, but it will not make it impossible, and does nothing to curtail this behavior in other areas.

Please register me as a citizen NOT IN FAVOR of the proposed settlemt agreement.

Thank you for your time.

Steven Bratt
Brush Prairie, WA

MTC–00017624

From: tack
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I disagree with the proposed settlement to Microsoft antitrust case. It contains loopholes designed to let Microsoft continue to act as

a bully and a monopolist. As we have seen that it's 1994 consent decree did not deter Microsoft from engaging in heavy handed illegal business practices outlined in the findings of fact in the current case, we must conclude that any settlement in this action may not deter Microsoft from doing so in the future.

I believe that the proposed settlement is inadequate as a means of stopping the illegal, economically damaging business practices at Microsoft corporation. By not offering any form of punishment for past illegal acts and introducing a series of loopholes, vaguearities and secrecy provisions, it offers no relief from past wrongs and fails to prevent it from committing further illegal acts.

Microsoft is a convicted illegal business practicioner which has damaged our economy. It should not be allowed to get away with it or continue to do so in the future. The current settlement does nothing to address this, and will likely lead to continued illegal activity. It must not stand.

Daniel Trudell
Castro Valley, CA

MTC–00017625

From: Gary D. Young
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

Hi,

I just want to comment that I feel accepting a settlement with Microsoft is a bad thing. One thing which Microsoft is known to do in the present (not legally proven, but widely known among technical professionals) is to threaten (sometimes legal) action against companies which attempt to provide alternate emulations of Microsoft's products. What this means, is that companies without the deep pockets necessary to develop something from scratch, or companies without the corporate muscle of Microsoft in pushing standards are unable to provide working alternatives. Accepting a settlement of any sort with them, only encourages Microsoft to continue the games they played with browsers, hard drive error scanning software, compression software, authentication, and other niches that reduce consumer options. If consumers having options is considered a good thing in the marketplace, decline the settlement. If consumers having no choice is a good thing, then we are all vulnerable to the same windows viruses, and all vulnerable to whatever corporate whim Microsoft may decide upon.

Gary D. Young
US Citizen, resident of SF Bay Area, CA.

MTC–00017626

From: carmine mangione
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

The proposed Microsoft settlement must be stopped for the following reasons: It fails to address the single most significant factor in Microsoft's abuse of monopoly power: their use of file formats to limit alternatives to their products, force consumers to upgrade to the latest version, and extend their hegemony to other markets.

Microsoft's word processing product, Word, uses an unpublished, undocumented and non-standard compliant .doc format. Microsoft has changed this format no less than 5 times over the past 10 years. These changes force everyone in an organization to upgrade to the latest version of Word if a single user upgrades. These upgrades are often forced with purchase of new equipment or upgrades of seemingly unrelated components such as the operating system as Microsoft only supports the latest versions of their software.

Microsoft's half-hearted attemtps to allow users save documents in previous versions fail for two reasons. First, the ''save as'' option often loses valuable formatting information and second, they do not change the extension name of the format as other vendors do. For example, .doc95, .doc98, and .doc00 make it clear which version a file is saved in so a user can send the correct version out. Microsoft, mysteriously saves all files as .doc. Most other vendors change their extensions when they make changes to file formats that may break older version.

The solution:

1. Require microsoft to publish their file formats and to publish and open for review any format changes through one of the independant standards bodies.

2. Require Microsoft to provide free upgrades to all previous versions of thier software that will allow those versions to read any new formats flawlessly.

Thank you,
Carmine Mangione

MTC–00017627

From: Hartley, Jonathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm
Subject: microsoft proposed final judgement

I appreciate the great amount of work that has gone into producing the proposed final judgement to date. However, the settlement in its current form seems to overlook several important issues, and as such it is inadequate in curtailing Microsoft's past and current anti-competative practices, to the great detriment of consumers, rival technologies, and the computing industry as a whole.

In particular, I would like to see measures taken to prevent Microsoft from penalising OEMs who choose to ship PCs with other operating systems pre-installed. As far as I can see, section III.A.2 allows them to continue doing this. This practice effectively stifles any competing operating system from gaining a significant foothold in the marketplace, regardless of the merits of functionality, price or reliability that other operating systems may have to offer. Section III.B also seems to allow unfair penalizing of OEMs that choose to offer competing products.

Additionally, I would like to see steps taken to prevent Microsoft end-user licence agreements from prohibiting my choice of using non-Microsoft operating systems or products. The PFJ as currently stated does not prohibit these kinds of overly-restrictive EULAs.

Sincere thanks for this opportunity to express my views,

Jon

Ten years experience in the software industry
Senior Software Engineer
SchlumbergerSema
Denver, USA
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MTC–00017629

From: Billy Fuller
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I am for the proposed settlement even though I think the case should be dismissed because the court incorrectly narrows the ''industry'' being monopolized to just Microsoft's customers. If the same reasoning were applied to, say, Oracle then the ''industry'' would then be narrowed to just Oracle's customers and, lo and behold, Oracle is then a monopoly. Like Sun. Like IBM. Like the corner shoe repair shop.

Why on earth would you limit the huge computer software industry to just the tiny sliver that runs on computers that are arbitrarily labeled desktops? A computer is a computer. Software is software. All together they are an industry. Why draw the line at just Microsoft's customers? This whole case is nothing but a sham, an unjust way of using the courts to reward the uncompetitive practices of Microsoft's rivals.

Billy Fuller
Microsoft Employee

MTC–00017630

From: Peter Somu
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00017631

From: Josh Cockey
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft case is a bit like assigning a fox to guard your chicken coop in that it virtually guarantees Microsoft a lock on an endless series of software upgrades that the recipients can ill afford. If they could afford the technology, they wouldn't need the handout and if they can't afford the upgrades, the computers and software will rapidly become obsolete and of limited use.

The counterproposal put forward by Red Hat makes much more sense: ie, Let Microsoft donate money for hardware computing resources for underfunded schools, then load those machines with open-source software.

Open-source software will have two benefits. First, it will set schools on a course that they can afford. The cost of obtaining open-source software and upgrades is

minimal. Secondly, the Red Hat proposal does not reward Microsoft in the long term.

The currently proposed settlement merely provides Microsoft with a guaranteed long-term cash cow instead of punishment for corporate misdeeds resulting in market domination.

Josh Cockey E-Mail: jcockey@crosslink.net

MTC–00017632

From: Mark Hernandez
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

I am opposed to the present settlement terms offered to the Microsoft Corporation as doing nothing to prevent or limit the ability of Microsoft to act as a monopoly, or to prevent or limit the ability of Microsoft to act adversely against those that it deems to be competitors or critics.

The long and well-documented history of Microsoft parallels that of many of the trusts and monopolies that it has been the policy and practice of the United States to prevent or, in the worst of cases, dismantle and separate.

Likewise, this settlement does not provide for the free market economy that it is the policy of the United States to support; by failing to actively limit the monopolistic actions of Microsoft, already determined in a court of law, the Department of Justice is endorsing the concept that ''competition is bad'' and that no other software developer or vendor may be able to compete with the burgeoning Microsoft structure. Consumers, as well as commercial enterprises, will be forced not to pay market prices based on competition, but prices set at already arbitrary levels that are likely to go even higher in relation to future sales.

Please do not allow the settlement to be completed as it is currently written, nor with the thrust of its offer standing in any future version of it.

With this settlement, the Microsoft monopoly will continue to stifle competition and stagnate the computer industry by closing any avenue that Microsoft does not approve of, as historical documentation clearly indicates is the Microsoft pattern of preserving itself.

Mark Hernandez, A+, APS, CCSP—Technician

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364 West Fallbrook Avenue, #101 * Fresno, California 93711–6148

MTC–00017633

From: M.A.
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: I don't think it would be a fair settlement. It doesn't have enough

I don't think it would be a fair settlement. It doesn't have enough teeth to stop them from future monopolistic abuses.

Nelson P. Wolf

MTC–00017634

From: Dhillon, Apperjit
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm

I am not in favor of the proposed settlement with Microsoft. This is not punitive in anyway, and does NOT benefit the public interest. The DOJ is allowing a company that has been determined a monopoly to supply schoolchildren with software that will ensure their continued monopolization of their market.

MTC–00017635

From: Stan Hunter
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

Don't let Microsoft off the hook so easily. I am founder of a company that makes programs for Palm-Pilot devices, and we already see the illegal sorts of tactics Microsoft used to crush Netscape coming up to crush Palm OS.

Unless Microsoft is split up, this will never stop, and no other company or technology will be able to compete and survive.

Stan Hunter
Founder, Xenware
stan@xenware.com
phone: (617) 216–9814
fax: (617) 547–5297
http://www.xenware.com/
http://store.yahoo.com/xenware

MTC–00017636

From: jkey@elm.ssec.wisc.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to express my concern over the proposed settlement in the U.S. Department of Justice vs. Microsoft case. I use both open source and proprietary software, Linux being my primary operating system for work and Microsoft Windows being the choice for our family's home computers. I was brought up with both Unix and Microsoft operating systems, so I feel that I can speak objectively, at least from a technical perspective.

My reactions and recommendations are in response to the fact that Microsoft was found by the legal system to have broken the law. It grew to and maintained a monopoly by illegal means, so actions must be taken to restore a competitive environment.

I have two recommendations:

1. Force Microsoft to document their proprietary file formats. This is probably the single most effective way to restore competition. Microsoft has a stranglehold on the word processing (MS Word) and presentation (MS Powerpoint) markets, not because its products are superior but because of illegal practices. The need to read and write files in those formats is now critical for the exchange of information. If other software companies could effectively and completely import and export Word and Powerpoint files, competition would be restored.

2. Do not allow Microsoft to give software and hardware to schools as their ''punishment''. This proposal is a gift to them, not to the country! It is anything but punishment. Imagine all the schools that will be locked into future upgrades of Microsoft products, and the way our youth will be conditioned to working the Microsoft way. If Microsoft truly wants to help our educational system, have them donate the money, not the software or hardware, with no strings attached.

Thank you for your attention in this matter.

Jeffrey R. Key
4959 Blue Spruce Circle
Middleton, WI 53562
(608) 798–4998

MTC–00017637

From: Mark Hammer
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Comment on Microsoft Judgement

To whom it may concern:

This is likely to be one of the more far-reaching cases in recent memory.

I am not a lawyer. ''I don't know a Habis from a Corpus,'' the old movie line says. However I think I know justice, and this settlement just does not feel like justice. It fails the duck test. ''If it looks like a duck...''

There are several things that concern me with the proposed settlement. The first being Microsoft's past behavior.

Have they shown any inclination to respect the rule of law, except where it benefits them? Have you forgotten the arrogance they showed in Judge Jackson's courtroom? The arrogance that caused even that conservative, pro-business Reagan appointee to roll his eyes in disbelief? Have you forgotten the doctored video evidence? How about Bill Gates'' taped testimony?

Have they shown any inclination in the past to honor ''Gentlemen's Agreements'' when it was to their advantage not to? What happened to the original agreement between Microsoft and the DOJ? What has happened to countless companies large and small that Microsoft has cajoled down the garden path, then turned and ruthlessly stabbed in the back? So what has changed? What causes the DOJ to think that Microsoft will now honor the spirit as well as the letter of your settlement? Is it just ''a scrap of paper'', as Churchill said about another agreement with a ruthless predator.

I am also concerned about the principle that no one is above the law. What will happen if Microsoft gets off with a wrist slap and is free to go on their merry way, especially in light of the Enron mess? What will the perception be?

At the very least, Microsoft should be forced to release to the public the programming interfaces and the data formats of all their software. This includes data packets and files. AT&T was required to provide access to their system to their competitors. Microsoft should be required to do the same.

The pre-package agreements with the OEMs are used by Microsoft to restrain trade and maintain their monopoly. A simple solution is to require Microsoft to buy back at published retail prices any software the end-user does not want that comes bundled with a computer. This must be made the responsibility of Microsoft, not the OEMs. They must not be able to duck it. This solution has the simple elegance of solving the core problem, without major upheaval.

Remember, the DOJ won, Microsoft lost. If the Government of the United States has to go down this path again, it will be a lot harder next time. That ''scrap of paper'' eventually led to World War II.

Sincerely,
Mark B. Hammer

MTC–00017638

From: B. Charles Reynolds
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: microsoft settlement

I would like to add my name to the long, long list of those who are dissatisfied with the proposed settlement of the Department of Justice vs. Microsoft antitrust case. I am especially concerned in the light of the following: http://www.macintouch.com/postoffice.html

I am deeply dissatisfied in the entirety of how this case was handled. No attempt was made to convict under the Rice Anti-Organized Crime act even though the evidence presented at trial shows a long and flagrant history of criminal activities (predicate fellony: copyright violation in MS DOS 1.0 and no attempt to license the plagiarized code.)

The proposed settlement does not include prison time for the officers or board of directors [of Microsoft.]

It does not include a siezure of all assets of the criminal organization [Microsoft.] It does not include a revocation of all patents and copyrights of the criminal organization [Microsoft.] It does not include a complete dissolution of the criminal organization[Microsoft.]

Furthermore, the federal government maintains software contracts with the criminal organization [Microsoft.] This is not excusable. It encourages the the criminal organization [Microsoft] to continue its activities. Revoking these contracts en masse and replacing the software with alternatives—there may be no competition, but there are alternatives—will inform your employers, the People of the United States of America, that you are actually interested in doing business with legitimate business entities, rather than criminal organizations such as Microsoft.

However, since the prosecution failed to present a case for the Rice Anti-Organized Crime Act and limited prosecution to anticompetitive practices, all of this is immaterial. Still, the settlement is not strong enough. Microsoft Corporation is wealthy enough that no monetary settlement (such as the proposal to supply schools with computers, software and training—which will only INCREASE Microsoft's position in the marketplace) will satisfactorily harm the company.

Definitions of terms such as API, Microsfot Middleware, Microsoft Middleware Product and Windows Operating System Product are not strong enough and leave too many holes for the criminal organization [Microsoft] to exploit to the continuation of the Applications Barrier to Entry (Findings of Fact, Paragraph 52.)

I hope my comments are helpful.

B. Charles Reynolds
P.O. Box 3341
Seward, AK 99664–3341

MTC–00017639

From: Dan Meriwether
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I feel that the proposed remedy for Microsoft's anticompetitive and monopolistic practices is inadequate in the extreme. I believe the proposed settlement not only doesn't deter Microsoft, but because of the complete lack of any realistic punishment, encourages Microsoft to continue acting in an illegal, monopolistic and anti-competitive manner.

By not prohibiting or reparing any of the staggering amount of damage caused by Microsoft's illegal conduct, such as failure to prohibit intentional incompatibilities, while lacking an effective enforcement mechanism in the actions it does require, the proposed final settlement is not even a slap on the wrist, but rather a sly wink or pat on the back.

There are so many problems with the proposed final settlement that, in my opinion, it is not in the public interest.

Dan Meriwether
6114 La Salle Ave. PMB222
Oakland, CA 94611–2820

MTC–00017640

From: Kelly White
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

I am a software developer, a consumer, and a concerned citizen, and I believe that the proposed settlement doesn't go far enough in stopping Microsoft from extending their monopoly into other markets. Microsoft has crushed its competitors and in doing so can be viewed as one of the causes of the current recession.

If Microsoft is allowed to enter other markets and continue its practice of illegally crushing the competitors there, what will the future economy look like?

I ask you, why isn't Microsoft being punished for their illegal actions? How am I supposed to teach my daughter not to break the law, when Microsoft does so and is then given the blessing of the government to continue doing so? Where is justice? Why does the American government spend so many resources going after Osama Bin Laden when they don't even punish the company that has single-handedly ransacked America. Microsoft—by their illegal actions—has ruined hundreds of companies and caused the unemployment of thousands of people. What kind of faith can I put in my government when I see that this will be allowed to continue to happen?

I want consumer choice, I want to be able to purchase software and other products based on the merit that matters to me, not because Microsoft is the only choice available. Please restore this ability to me by discarding the proposed settlement and punishing Microsoft as they need to be punished.

Sincerely,
Kelly McKhendry White
305 Cottage Place
Idaho Falls, ID 83402
(208) 524–2043
mckhendry@acm.org

MTC–00017641

From: Dexter Graphic
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

To whom it may concern,

United States Department of Justice, Antitrust Division: You asked for public comments under the Tunney Act on the Microsoft Antitrust Settlement, well, here is my opinion.

Microsoft has already been found guilty of misusing their monopoly power. Now punish them for it! The currently proposed settlement is a joke, it does not address any of the core issues. The only way other software companies can compete with Microsoft, or even survive in its shadow, is if the API (Application Programming Interface) which Microsoft uses to write programs that work with Windows is made available to all parties, free of charge, without licensing restrictions. These interfaces are what every programmer needs to know and use if they want to write Windows software; by exercising proprietary control over the APIs Microsoft effectively controls all the software that is written for Windows and holds dominion over every company or individual programmer, like myself, who wants to innovate in the computer technology field. This is the key to Microsoft's monopoly power! And by requiring them to openly publish the Windows API's (just the programming interface specifications not the program's source code) other software companies and individual programmers will be able to compete with them on a level playing field.

Any settlement that does not require this is just a waste of time and money. It's a minimum requirement, in my opinion, for achieving competitive fairness and fostering an industry-wide environment of real software innovation. Thanks for asking (and hopefully listening.)

Dexter Graphic
Independent Computer Consultant and Systems Analyst
Eugene, Oregon

MTC–00017642

From: Mark Lanz
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

The proposed settlement fails to accomplish any real protection to consumers or other corporations. Microsoft will be free to continue their anticompetitive practices.

Thank you for your consideration of my comments,

Mark Lanz

MTC–00017643

From: mitchell@ncar.UCAR.EDU@inetgw
To: Microsoft ATR

Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Greetings,

I am writing in order to submit my comments on the Revised Proposed Final Judgement. While the settlement makes a good start, I feel it is inadequate overall and leaves possible loopholes open for exploitation. The past behavior of the guilty party indicates that it is likely to do everything in it's power to minimize the effect of the proposed settlement. This behavior includes the guilty parties behavior with respect to the last ''Consent Decree'' which it agreed upon with the Government as well as it's current refusal to admit guilt or even concede that it has misbehaved at all. In all respects, Microsoft behaves as an unrepentant career criminal. As such, it is not deserving of mercy from the court. I fear that the Proposed Judgement may allow the guilty party to escape relatively unscathed.

Section III, Prohibitied Conduct, attempts to address the guilty parties relationship with OEM vendors. It is well known that this has been a well-used tool in the past to keep OEM hardware vendors in line. It can be expected that Microsoft will take advantage of any loophole it finds in Section III in order to continue this behavior. As such, Section III should be as simple as possible. I would suggest modifying paragraph B with two changes. First, the ''schedule'' of prices should be publicly available via the web. There is no reason to keep the prices confidential. The end consumers of Windows have every right to know the true value of that component of their computer. I also feel that clause 3. (''the schedule may include market development allowances...'') should be stricken. Despite the attempt to close the obvious loophole, I doubt that it will prevent the guilty party from resuming past behavior. Microsoft is literally making more money than it knows what to do with. I can very well pay it's own marketing and development costs. Allowing it to make these side agreements with OEMs only serves the purpose of giving it an avenue to reward favored OEMs at the expense of other OEMs. The relationship between Microsoft and OEMs should consist of the act of selling software period. Allowing any other relationship simply opens an avenue for abuse.

Paragraph D should also be modified. While it is a good idea to require Microsoft to publish the API's used by Microsoft Middleware, there is no reason to allow the guilty party to restrict access to the ''MSDN''. The simply gives the guilty party an avenue to require developers to agree to licenses or terms of use. For example, access to ''MSDN'' now requires a ''Passport'' account. It is entirely inappropriate to allow Microsoft to condition access to the API's upon accepting their attempt to extend their monopoly to online authentication. Microsoft should be required to publish the API's on the web without any need for either registration or authentication.

An oversight of the API provisions is that it does not apply to file formats. One of the goals of the Judgement should be to try and restore competition to the desktop operating system market. One of the anchors of the Microsoft monopoly which was not specifically addresses in the most recent case is the Microsoft Office product. One of the greatest stumbling blocks for potential competetors on the desktop is the need of people to be able to read and write files in the various Office formats (Word, Excel, PowerPoint, etc.) By constantly changing these formats with each upgrade and not providing comprehensive documentation on their structure, Microsoft has been able to maintain a significant barrier to entry into the desktop operating system market. By including file formats along with API's and communication protocols the Court can greatly enhance the opportunity for competing products to become established in the operating system market. Paragraph J should be stricken entirely. It has at least two fatal flaws.

One is the axiom that security thru obscurity is no security at all. By allowing Microsoft to use security as an reason to refuse to release communication protocols and APIs it encourages them to design security solutions which do not provide strong security, but rather merely the illusion of security. Given the predominance of Microsoft operating systems and the past abysmal security performance of their products, it isn't wise to provide an incentive for them produce poor solutions going foreware. The second fatal flaw, which is perhaps more important, is that this clause provides a loophole which will allow Microsoft to avoid paragraphs D thru I. Recent pronouncements from the guily party and Bill Gates indicate that security will be given the highest priority going forward. Most significant uses of network protocols involve some amount of authentication. Digital rights management and virus protection can be incorporated into virtually all aspects of operating system functionality. In fact, these technologies work best when they are prevalent thruout the system. These facts, along with the guilty parties abuse of loopholes in previous agreements, indicates that paragraph J will likely be used as a method of invalidating paragraphs D thru I. The court should either strike paragraph J, or strike paragraph D thru J. The current agreement will end up imposing little to no restraint on the convicted party.

Section IV, while it contains a good start, falls a little short. While the Judgement contains good provisions for determining if the convicted party is complying with the Judgement, there are no clear penalties for breaking the agreement. In fact, the extent of refusing to comply with the court ordered judgment seems to be the application of more court orders. To date, court orders have not had any significant impact on the convicted parties conduct. Rather, it has managed to accumulate profits at an almost unbelievable rate. Any significant penalty should involve significant monetary fines. While the need and amount of fines for previous criminal actions could be argued endlessly, the court should at a minimum include provisions for significant fines going forward should Microsoft refuse to yield to the authority of the court. Such fines should be commensurate with the revenues and profits of Microsoft. In the most recent quarter, the guilty party profited at the rate of about $20,000,000 per day. Revenues were about four times that amount. In order for a fine to have any sting, I feel that at a minimum it should accrue at the rate of their profits. In other words, the Judgement should contain language which would impose a fine of at least $20,000,000 per day that the convicted party is not in compliance with the Judgement. To date, Microsoft has employed a strategy of legal delay at almost every turn. The reason is clear: while issues are dragged out in court the damage is being done in the market. By the time the court is able to issue a remedy, Microsoft has already accomplished whatever it set out to do in the first place. By imposing significant fines, the court can discourage such delays in the future in addition to ensuring actual penalties for violation of the Judgement.

In conclusion, I hope the court takes some of these ideas into consideration before rendering a final judgement. To be honest, I am amazed at the lengths to which the Court has gone to please the convicted. The fact is that Microsoft is not simply guilty, but is a repeat offender who has shown no signs or remorse nor even acknowldged that it has broken the law. Rather than issuing a swift and severe punishment as befits such a disrepectful repeat offender, the Court seems to be bending over backwards in order the please the convicted. Quite frankly, in this day and age, I see no reason to be soft on such a criminal organization whose disrespect for the Court includes the falsification of evidence and who shows no signs of even understanding the relevant law much less admitting that the law applies to them.

—David Mitchell

David Mitchell (mitchell@ucar.edu)
Network Engineer IV I
I Tel: (303) 497–1845 National Center for
FAX: (303) 497–1818 Atmospheric
Research I

MTC–00017644

From: Knipp, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

The microsoft settlement does not address the concerns of illegal and unfair practices in pushing its products onto its distribution partners. Microsoft has used its dominant position in the software market to unfair advantage, locking potential compeitors out of the picture by arm-twisting and flat-out threatening its distribution partners. This has resulted in a severe imbalance in the software market, creating a scenario where Microsoft increasingly wields more power to dictate what consumers are ultimately able to buy; no longer are we in a free market where software is concerned, we are rather entering into an era where one company decides what all consumers have the priviledge to buy, and now Washington is going to help them do it.

I am not satisfied with the government's handling of the Microsoft case and I want to see it revisited. Unless Microsoft is truly punished and prevented from continuing its unfair practices, I do not see a bright future for the software industry (except where Microsoft alone is concerned).

Eric Knipp

MTC–00017645

From: Dewey Paciaffi
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Dewey Paciaffi
76 Main Street
Englishtown, NJ 07726

MTC–00017646

From: surina@ds02e00.
directory.ray.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

Jan. 23, 2002

To: Renata B. Hesse, or other concerned parties

Re: Microsoft Antitrust Case

Thanks for taking public comments on these types of activities.

I think it is of value to get a feel for public opinion. Although I often value the opinions of those around me, there are certain times when the application of logic, rational behavior, and extraction and analysis of fact is quite approprite.

Such as in cases like this, for example. The facts are that this company's key stakeholders and practices, and those of other closely related industries such as media, combined with the actions of the trading community and elected represenatives have now put a substatial portion of federal, state and teacher pensions at risk.

Coupling content and the wire puts objective journalism at risk, which compromises the integrity of our country. It is time for the Judiciary to step up to the plate and fix some problems here, related with this company and some of the other trusts and associations that have cornered markets and brutalized civil liberties in the interest of policing their businesses.

There is no free market economy now. From a systems perspective, our national and global economies are now self limited, and unless the markets are tuned with proper regulation designed to actually set free Adam Smith's invisible hand, (admittedly a contradiction at first read), several national economies will self destruct. Quite probably our own will be among them.

Consider, if nothing else, the data that is coming out of our federal accounting offices. Difficult times are ahead of our nation now, for the decedance and lack of proper regulation over the last decade, particularly the lack of disciplined monetary policy. It's time to properly tune the system and work to re-establish a healthy, diverse national and hopefully a healthy global economy will follow.

Please work to bring these players in check. They are out of control and are destroying this country.

Kindest Regards,
Dave Surina B.S.E.E.
McKinney, TX

MTC–00017647

From: Philip Labut
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

The settlement is a bad idea, and only benefits Microsoft who are the ones at fault!

Philip Labut
1820 Falls Ave
Cuyahoga Falls, Ohio 44223

MTC–00017648

From: Bruce Mallett
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

Renata B. Hesse
U.S Dept. of Justice Antitrust Division
601D Street NW—Suite 1200
Washington, DC 20530–0001

I'd like to add my comments to the proposed Microsoft settlement as permitted under the Tunney Act. Briefly let me say that I agree with the comments made by Mr. Dan Kegel (see http://www.kegel.com/remedy/remedy2.html) and encourage you to have a look at his analysis. I too do not believe that the proposed settlement is in the public interest.

I believe that a competitive marketplace is better for both the consumer and for the advancement of the market. Microsoft, as a monopoly, has repeatedly worked to stifle such competion, clearly succeeding to the detriment of the market. Innovation is key to the advancement of the computer software industry, but in a stifled, monopolized market this process ceases; the word instead is co-opted as a marketing term.

I hope that you will reconsider the proposed settlement with Microsoft.

Sincerely,
Bruce A. Mallett
NightStorm Software Systems, Inc.
25 Indian Rock Road #10
Windham, NH 03087

MTC–00017649

From: Rick Richardson
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

The current proposed Microsoft settlement is a bad idea, and flawed in many areas. It does not punish Microsoft, and it does not equalize the marketplace by providing all independant software developers access to the documentation and source code for Microsoft file formats and operating systems.

Instead, I urge you to accept the ''Red Hat Proposal to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts''. http://www.redhat.com/about/presscenter/2001/press—usschools.html

I believe this proposal will effect a real punishment to the Microsoft Corporation, a punishment that is sorely missing from the current settlement agreement.

In addition, this settlement proposal will have a real benefit to school districts across the nation, who will be able to focus their limited resources on computer hardware purchases.

Microsoft's current settlement proposal is completely flawed. For Microsoft it is not a donation at all. Once they've written the software, each particular copy only costs them the price of a CD—a mass-produced one at that, probably $0.50. By making more copies of MS-Windows to give away, they essentially print money: money in the form of a tax writeoff. Each copy of MS-Windows donated to a charity gets Microsoft a $300 tax writeoff (charitable donation) for a 50-cent disk, and serves to expand the Microsoft platform dominance.

Giving away Windows is win-win-win for Microsoft. Just be aware: using their pricing for copies of Windows distributed as part of the settlement inflates the actual value of that settlement by a factor of about 500, and helps to perpetuate their monopoly.

If you cannot bring yourself to accept RedHat's proposal as is, then consider an alternative: let Microsoft donate $1.1 billion worth of software to the school systems. But demand that it be their competitor's software (preferrably Linux and other commercially-available Open-Source software). For example, let Microsoft donate approximately 10,000–20,000 boxed sets of either RedHat, Mandrake, Suse, etc, for the existing PCs in the schools. This will put significant cash flow in the high-tech industry, help further their competitors, and actually punish Microsoft.

—Rick Richardson

Rick Richardson rickr@mn.rr.com http://home.mn.rr.com/richardsons/

MTC–00017650

From: Alwin Hawkins
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

I would like to express my misgivings over the settlement in the Microsoft case. It seems to me that nothing short of requiring Microsoft to standardize and publicise it's API's and Office file formats will allow other operating systems to compete in the marketplace.

Other findings/settlements will put cash in the pockets of attorneys but do little to encourage other companies to write software that provides a functional alternative to Microsoft-authored products.

Yours very truly,
Alwin Hawkins
18550 McCall Court
Gladstone, OR 97027
alwin@mac.com

MTC–00017651

From: Ryan Neil Gillespie
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

I feel that the court's actions against Microsoft are essentially ineffective and allow Microsoft to continue its monopoly practices. I urge the court the reconsider their decision and deliver a truly just punishment.

Thank you,
Ryan Gillespie

MTC–00017652

From: Rlamorgese@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm

Subject: Microsoft settlement

To: Dept. of Justice

Good day. I would like to thank you in advance for considering my, and other citizens', opinions in this matter. It is rare that the democratic process is applied so directly to a specific issue. Yet in this case I do beleive it to be justified. The Microsoft issue is one which affects every American, whether they are conscious of this fact or not.

It is no surprise that computer technology has become an ever increasing component of our economy. Rare is the worker in this nation that would not have some interaction with a computer on any given day.

This could refer to myself, who works in an office. It could refer to a high school kid who uses the computer register at a coffee shop or restaurant. My point being, if an American citizen wishes to work in this country, the computer is inescapable. It is a tool most every American will have to use in some capacity. Therefore, it is a tool which must be open to innovation. A tool which must be secure.

Microsoft has for too long stifled others from developing competing programs. Now, I will confess. I am not a computer guy. I don't write code. Have never opened up a computer to install anything.

Don't even subscribe to Wired. But I do know that when I have attempted to run non-MS applications with Windows, I have run into compatablity issues. When an application that does run well on MS OS, within a year or two it is beaten out of the system. I have seen the death of Netscape at the hands of Internet Explorer. I have seen WordPerfect killed by Word. I have seen this countless times with other applications. And this is not because MS products are the best. It's because I wake up one day to find I have no choice but to use Internet Explorer. My other options have been taken away, or so marginalized that in order to view web-sites, I need IE. This is not consumer choice. This is consumer blackmail. Now, I'm not here to disparage MS products. Personally I have found that they crash just as frequently as anyone else's. I'd just like to have a proper settlement that allows me to choose the crashes I like. And finally, with recent events in September, there does seem to be a national security issue here.

Regardless of how great MS might claim to be, regardless of how ''saintly'' there business acts, it is dangerous to have one company's code control so much of the computer market. If a foreign or domestic terrorist were to go after our computer network, what system model would you want? 90% controlled by one set of code. Only one set of code to infect. Only one set of code to find the weakness in. Or multiple codes, distributing the network across many OSes. This need not mean incompatability. I can read a Word doc on a Mac or a PC. Yet it would be difficult to infect the Mac and the PC with the same virus/hack. Maybe not impossible, but more time consuming. We currently have loaded our target into one convenient location for any of our country's enemies. We should no better now. The military knows this kind of strategy already. Spread yourself out so that in event of attack you may lose a portio n, but not the whole.

In conclusion, the current settlement with Microsoft poorly defines their software for legal purposes, does not truly prevent further monopolization of the market by Microsoft, and has no punitive measures for the damage Microsoft has already inflicted on other companies and the American people. This is unacceptable. Teddy Roosevelt did better than this last century with breaking up a newly emerged economic monopoly. I suggest we study our history on this one.

Thank you for your time and consideration of this letter.

Sincerely,

Robert S. LaMorgese

Citizen

MTC–00017653

From: Patrick St. Jean
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Hello,

I am writing you today in response to the public comment period on the proposed settlement. I am opposed to that settlement for various reasons, but one of the more important ones, that affects many businesses, is that the settlement doesn't ensure that Microsoft cannot use preferential licensing agreements to influence OEMs decisions to install software.

For example, I work for a large telecommunications firm that uses Windows for some of its internet needs. We have a site license with Microsoft for all of their products, but are completely unable to buy a server without purchasing another Windows license. This costs us many thousands of dollars a year. Whenever I've pressured hardware vendors to not include a license in the cost, they have refused, stating that their contract with Microsoft (signed in order to get preferential pricing) requires them to sell a license with every machine. This is bad for big business, but even worse for small ones. At least we have a large enough budget that it doesn't influence our purchasing decisions. I can't say the same for some smaller companies that I've worked for.

Please reconsider this settlement. The only one who will benefit from this is Microsoft. The consumers are going to continue to be taken for every dollar Microsoft can get until stronger protections, like the ones in the Posner Draft 18, are implemented.

Thank you for your time,

Patrick St. Jean

p.s. If you would like to contact me to verify that I am a real person, my contact info is on my web site. The URL is provided below.

Pat in Lewisville ''97 XLH 883 (Rocinante) http://www.pat-st-jean.com/stjeanp

MTC–00017654

From: Doerksenr@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

To whom it may concern:

I don't think that Microsoft is being punished for its reprehensible behavior as a anti-competitive monopoly. They have abused their power and apparently have strong-armed the DOJ. When I see Steve Balmer having coffee with the President and then the punitive measures are withdrawn it has the appearance of impropriety and makes me lose faith in the American judicial system. Money should not be a means to abrogate justice.

—Richard Doerksen

MTC–00017655

From: RMcCaughey@jsa-architects.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Sirs:

Microsoft should be compelled to open/document fully its API to other software vendors.

The current solution as proposed by DOJ assumes that Microsoft will behave in a lawful manner, which it has demonstrated through the last ten years that it does not feel obliged to do.

Real competition will make the U.S. software market stronger.

Ray McCaughey, AIA, NCARB Team Leader

412.788.1971 x236 Vice President—JSA Architects

f 412.787.5960 http://www.jsa-architects.com

MTC–00017656

From: Richard A. Milewski
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Please place me on record as opposing the proposed settlement in the Microsoft antitrust case. The proposed settlement does not effectively require Microsoft to openly document the Application Programming Interface (API) of the Windows operating system in a meaningful way. If allowed to stand, this settlement will perpetuate the Microsoft practice of having a secret, documented API for use by Microsoft applications developers, and a less complete, partially documented API for use by independent software developers.

Additionally, allowing Microsoft to continue to engage in licensing agreements with large corporations that give Microsoft licensing revenue for each machine owned by a corporation that could run Windows, instead of each machine that is actually running windows, the settlement effectively imposes a tax on non-Windows computers and gives the proceeds of that to Microsoft. This artificially raises the cost of computers which do not run Windows, and those costs are passed on to the customers who use the products and services of the licensing corporations. As a consumer, I deeply resent having the cost of virtually every product I buy increased simply to subsidize the Microsoft monopoly.

Richard A. Milewski

CTO, RamPage.Net

Sunnyvale, California 94087

MTC–00017657

From: Jeff Watkins
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

Wednesday, 23 January, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse:

I would like to add my voice to those crying out against the proposed settlement between the Department of Justice and Microsoft. I have found no provisions in the settlement that would effectively curb Microsoft's rapacious appetite and anticompetitive behaviour. My experience with Microsoft has led me to believe they will stop at nothing to own every market in which they compete: even at the expense of their customers and partners. A great example is their recent attempt to ask the court to grant them a monopoly of the education market.

As a veteran of the software industry with more than a decade (yes, in the software industry that does qualify one for veteran status) of experience building software for numerous platforms including Microsoft Windows, I have never encountered a company with such a callous disregard for right and wrong as Microsoft. I have experienced their deceitful nature while working for a ''partner'' organisation (Attachmate) and during a brief contract within their own Internal Tools Group. In recent years I have been party to discussions regarding new products or services that were abandoned for fear Microsoft would disapprove and try to put the company out of business. Very few of us have the capital necessary to withstand an attack by Microsoft as have Apple, Sun and Netscape. This culture of fear can not be good for any environment; nor is it good for the consumer for it stifles innovation like nothing else can.

Please consider a remedy with actual teeth that serves the consumer rather than Microsoft. Do not forget the way Microsoft mocked the original consent decree which started this whole process. What could possibly make one believe they would not mock the court again?

Respectfully,
Jeff Watkins
1522 Post Alley #209
Seattle, WA 98101
206–619–0809

MTC–00017658

From: xela@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

I am writing to oppose the proposed settlement of the Microsoft Antitrust case. As a computer systems manager I have been buying Microsoft products for my users for years —- not because they were good, which they generally aren't, but because there was no practical choice. I read Judge Jackson's findings of fact with great interest, and when I was done reading them was hopeful, for the first time in many years, that the computer industry had a chance to become competitive and innovative again. The findings of fact describe a repeated, continuous practice of egregious anticompetitive behavior.

The findings, along Microsoft's behavior in the trial court and all of its history make it clear that Microsoft's rapaciousness cannot be reined in save by the strongest measures. People far better informed than I have pointed out repeatedly that Microsoft stifles innovation across large swathes of the software industry.

In the absence of competition, Microsoft has never felt any need to engage in good engineering practice, and their products have been vulnerable to the likes of code red, nimda and sircam as the result. In a competive market, those viruses wouldn't even make the front page, let alone pose the serious threats to the economy and to national security. The findings of fact provide a solid basis for the Department of Justice to persue a judgement that would restore competition to the software industry, which would in turn reduce the security risks posed by software monoculture. Yet the The Department of Justice's proposed settlement is barely a slap on the wrist. I realize it is impossible for a bureaucracy, but the Department of Justice should be ashamed; it has not only failed in its duty in this matter, it has abdicated it.

I am a co-signer of Dan Kegel's letter, and you may find my criticisms of specific elements of the proposal there. The point I wish to make here is that the entire offer is barely worth grossly inadequate.

Carl Alexander
Watertown, Massachusetts
carlmsdj@terc.edu

MTC–00017659

From: cconrad@vasoftware.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Hello,

After reading and reviewing the proposed settlement, I cannot in good faith, support it. This settlement not only does not punish Microsoft, but it could possibly give it more power in the software industry. For every clause in the settlement that appears to limit Microsoft's power, another clause gives them a loophole out of it. It is in my opinion that a much harsher penalty is necessary to curb Microsoft's illegal behavior. They have ignored one settlement very similar to this one already (which is the entire reason this lawsuit began), don't give them the opportunity to ignore a second.

Sincerely,
Christopher Conrad
SourceForge Engineering
VA Software Corporation

MTC–00017660

From: km
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft settlement
Karen Morod
34808 NE Moss Creek Way
Carnation, WA 98014
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the Microsoft antitrust case resolved. I do not believe Microsoft did anything wrong in the first place. Notwithstanding this belief, I think the terms of the settlement agreement are more than fair, and will address concerns about any perceived anticompetitive behavior on Microsoft's behalf.

For those who are of the opinion that Microsoft has acted in a predatory fashion, concessions have been made that will essentially change the way Microsoft conducts its business. Microsoft agreed to disclose its internal code information to its competitors in an attempt to increase server interoperability.

They also agreed not to retaliate against software developers who promote the competitions'' software. Microsoft has really gone above and beyond what should reasonably be expected of them.

I hope to see the settlement agreement approved by the Court. Continuing with the litigation process will serve no one's best interests.

Sincerely,
Karen Morod

MTC–00017661

From: Kevin A Sesock/cis/evp/Okstate
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing in regards to the proposed Microsoft Anti-Trust Settlement, and my thoughts and feelings regarding this issue. As per the Tunney Act, I am formally submitting my opinions regarding this proposed settlement, and how it will affect the IT Community, and specifically the Open Source Community at large.

As a consumer, technician, and private developer regarding Open Source and Microsoft Products, I feel that the proposed settlement between the Department of Justice and the states involved in the lawsuit, and Microsoft Co. itself, is in need of revision. It is my opinion that some parts are worded incorrectly, and may either be too burdensome in some places, and too ineffectual in others.

To generalize, I believe that the Microsoft Corporation has wronged the American consumer, business, and computer user by engaging in anti-competitive behavior, partly because of their secrecy, lack of security, and poor design, and partly because of their wild marketing and sales of products that do not meet the advertising and expectations put forth by these departments (a.k.a. false advertising). I also believe that they have been a major component in setting back the continued development of computer science, program and Operating System design, and the study and applicative use of computers in the world around us in a scientific and academic environment.

It is my recommendation, as a U.S. Citizen, concerned technician, and Open Source advocate, that the proposed Microsoft Corp. Anti-Trust Settlement be revised to include certain items. I have reviewed and thoroughly considered Mr. Dan Kegel's Proposal (this proposal is located at the World Wide Web address http://www.kegel.com/remedy/remedy1.html and http://www.kegel.com/remedy/letter.html). I

believe that these proposed changes tot the Settlement will be sufficient in ensuring that Microsoft Corp. cannot continue in anti-competitive behavior in the future, and will help to once again encourage growth and advancement in academic and business related computer and IT environments.

Thank you for your time and assistance.

Kevin A. Sesock

Deskside Computer Support Specialist

MTC–00017662

From: Jason Simpson
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Don't let Microsoft walk away with just a light rap on the knuckles. They quash competition at every opportunity. They have no right to be a governement sponsored monopoly.

MTC–00017669

From: Brian ''Bex'' Huff
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I personally believe that the antitrust settlement currently being proposed is woefully inadequate. If ever there was a monopoly that abused its power to crush competition and illegally leverage itsself to move into other markets, it is Microsoft.

And now, to add insult to injury, they suggest as ''punnishment'' that they be forced to give billions of dollars worth of software to schools. The education market has always been Apple's core market, and this decision will allow them to get a huge stranglehold onto that market as well.

More likely than not, they will arrange a draconian lease arrangement and ensure that the schools will be forced to upgrade within 3 years. Even if the lease has no such clause, they will probably have to upgrade in that time frame anyway in order to be able to run the latest software.

This ''punnishment'' will simply cost the schools, the children, the taxpayers, and the government more money, it will seriously hurt Apple computers (Microsoft's only real competitor), it will enable them to get a stranglehold into a new market, and not in any way cost Microsoft a dime.

THE PROPOSED MICROSOFT SETTLEMENT MUST BE REJECTED.

Brian ''Bex'' Huff
bex@stellent.com
Phone: 952–903–2023
Fax: 952–829–5424

MTC–00017670

From: cpdavis@student.umass.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

My name is Colin Davis. I am a Computer Science Student, in Amhest, Massachusetts. I would like to start by saying I am very much against the Microsoft proposed settlement.

I am very concerned regarding the microsoft settlement. They ahve shown over and over that they are unscruplous, and will do whatever is necessary to make money, regardless of the legalities involved. They were proven guilty in the court of law. But this settlement does not punish them at all. It ASSISTS their position. It helps them to further entrench their monopoly.

I'm not sure what the right thing to do is. Im only a student. But I would like to go on record as saying I believe Microsoft should be forced to open their APIs. This was part of the proposed states settlement.

What this means is that Microsoft would have to document, and document properly, how to access any system call that their programs use. This would stop them from using their monopoly on the desktop to help their other programs, because Everyone would have equal access to the system calls.

Early in the history of Microsoft, Microsoft Office would run much faster than competing applications, because Microsoft used system calls that no-one else was told about. This would stop that, as well as allowing Linux, and Apple Imacs to run programs written for windows.

PLEASE, hoever, don't accept the proposed settlement. It only further extends their monopoly.....

MTC–00017671

From: Joel Waterman
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement of the Microsoft anti-trust case will do little to change the monopolistic practices of Microsoft. Any settlement which does not severely restrict Microsoft from building its products in the Operating Systems, Internet, and Applications market will do little to create a fair open computer software arena in which competitors are allowed to compete.

Windows XP has been used as an advertising platform for Microsoft products and services, and to lock out competing products. Microsoft's unfair practices (oft-referred to as strong-arm) leave precious little room for competitors in this environment.

You needn't look any further than to the open-source community for clues as to the state of the software industry. Thousands of developers donating their time and valuable skills in order to compete against the giant Microsoft. Why would thousands of computer programmers take time out of their busy lives to do for free what they easily could be paid for elsewhere? Because they want to see the project (linux) succeed in the face of MS.

Because they want an alternative to Windows. Because they aren't as naive as the typical home user who has no alternative to Microsoft, and they are not satisfied to use a product that forces them (or tries to force them) to use software inferior to that which they could write or have written...

To continue to let Microsoft bully their way around the software industry is to let that industry die a slow stagnant death. Competition and alternative is the only way to keep this huge part of the American economy thrive. Without a fair settlement of the MS case, this may not be possible. With MS allowed to compete unfairly against its rivals in Application and Internet markets by using its OS, is to allow them to squash any rival they wish. Please do not let this continue to happen.

Thank you,
Joel Waterman
software engineer
123 Boylston St
Watertown, MA 02472

MTC–00017672

From: phutnick@peakpeak.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:48pm

Dear Sirs:

I am writing to express my disappointment with the proposed settlement with Microsoft.

The settlement addresses only a small fraction of the findings of fact.

Those few issues are addressed in an unenforceable manner. The economic production of this monopoly is NOT WORTH THE PRICE in innovation, progress and freedom. Always bear in mind that when Microsoft uses the word innovate they mean taking the sort of standard protocols that have allowed the internet to flourish and BREAKING compatibility with other vendors software, creating lock-in to their platform. Witness DHTML, NTLM authenticated telnet, Microsoft's ''Java'' implementation, the Exchange IMAP connector, Jscript (Microsoft's broken JavaScript interpreter), IE HTML extensions, the list goes on. This is separate from their practice of application, and by extension, OS lock-in with byzantine, poorly documented, constantly changing file formats and proprietary communications protocols such as ''.doc'' (and other Office formats), Exchange/Outlook communication, secret APIs for use only by Office and other Microsoft software, SMB, et cetera. SMB is a particularly nasty piece of work, which has clearly been manipulated for the purpose of crippling work-alike software (i.e. Samba) for the purpose of maintaining the fileserver/desktop client tie that they worked so hard to oust Novell to achieve.

The situation only looks to get worse if this settlement is finalized. Microsoft's two-way lock-in with Windows and Office is solid. They have been attempting to add a third leg. First with the server, then with the browser, now with .NET.

Microsoft wouldn't be ABLE to abuse OEMs if THEY DIDN'T HAVE A MONOPOLY. The settlement denies them one avenue of abuse of their monopoly, it doesn't address the monopoly.

Is this monopoly in the public interest? Is it necessary for interoperability? Is it needed to motivated Microsoft to continue blessing us with their ''innovations''? I am 26 years old, and I can just remember my parents being forced to lease their ugly, featureless phone from ''The Phone Company.'' Bell made the same arguments about interoperability and innovation that Microsoft makes today.

Today I have a cell phone, I pay less for the cell phone (accounting for long distance) than my parents paid for their featureless home phone. I can call Japan for less than my parents paid to call half way across the U.S. My parents suffered cross-talk, I enjoy digital quality over fibre optic lines. My parents called on a leased phone labeled ''Property of Bell Telephone''. If you fail, my children will compute with leased software labeled ''Property of Microsoft''. If you succeed, my

children will find the fact that I had to run Windows so that I could run Office so that I could open .doc attachments so that I could get a job . . . quaint.

This monopoly serves only the monopolist.

It is the government's job to serve the people. If the government fails to act on the people's behalf it is failing to act as a government of the people.

DO NOT ACCEPT THIS SETTLEMENT.

Sincerely,

Peter Hutnick

Citizen

MTC–00017673

From: Ron Voss
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

My comment:

I suggest that Microsoft's proposal to donate equipment and services to schools be modified such that Microsoft would spend an agreed amount of money to buy Apple products and services for the schools.

Ronald N. Voss

1645 Lloyd Way

Mountain View, CA 94040–2924 —

MTC–00017674

From: Baker, Fred
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,

Fred Baker

505 Cypress Point Drive #34, Mountain View, CA 94043

MTC–00017675

From: Brian Strand
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

The proposed final judgement (PFJ) in the Microsoft antitrust case is a very, very bad idea. Any reasonable settlement must a) end Microsoft's unlawful conduct (Microsoft's completely predictable denials of said conduct notwithstanding), and b) deny Microsoft any reward stemming from their unlawful conduct. The PFJ achieves neither of these objectives.

The restrictions placed on Microsoft by the PFJ are far too narrow and brittle to effect any changes in Microsoft's behavior.

The DOJ needs to scrap the fatally flawed PFJ and start over. The crime has been established, now is the time to determine the punishment.

Since when did the convicted criminal get to negotiate the punishment? There is no need for Microsoft to enjoy or agree with their sentence; they merely have to abide by it, subject to the usual law enforcement mechanisms.

Sincerely,

Brian Strand

CTO Switch Management

Oakland, California

MTC–00017676

From: Gardiner Allen
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

To whom it may concern,

I vehemently disagree with the currently proposed Microsoft settlement. I urge those involved in this decision making process to reconsider alternatives. Microsoft is an enormously oppressive corporation whose power is restricting the great American inventive and entrepreneurial spirit. The currently proposed settlement is an affront to freedom.

Sincerely,

taxpayer Gardiner Allen

MTC–00017684

From: Jerry Cantwell
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft has been convicted of serious offenses against competitors in the computer industry and against the American people as well. They have not been repentant, but rather defiant. They despise the Department of Justice, the Court system, and the American people—their customers!

Please break Microsoft into the smallest pieces possible.

Sincerely,

Gerald E. Cantwell

MTC–00017686

From: Josh Levenberg
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It fails to restore competition in the market place. It does little to prevent Microsoft from engaging in unfair business practices. Microsoft has shown itself to be all too willing to abuse its position and take advantage of loopholes.

Josh Levenberg

US Citizen

California resident

MTC–00017687

From: Mike Scheidler
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the terms of settlement outlined in the Proposed Final Judgment are grossly inadequate. They do little to punish Microsoft for its past monopolistic actions and allow too many loopholes to keep them from continuing these practices in the future.

As a computer professional with over 20 years of experience, I have seen firsthand the effect Microsoft has had on the computing environment. Through their predatory business practices, undisclosed file and interface formats (APIs), and tying of applications to the operating system, Microsoft has run its competitors out of business and practically eliminated the consumer's choice of software products in all of the major application categories. This should never have been allowed to happen. To make matters worse, they are currently looking to extend their domination to the area of online services. For the good of the entire world, this cannot be permitted!

Any settlement in this case should do much more to punish Microsoft for its past actions. In my opinion, a harsh punishment (perhaps monetary) is essential to make them less likely to engage in predatory practices. Also, any settlement must be forward-looking enough to ensure that they can't continue to thwart healthy competition in the future. The current PFJ does neither of these.

Please reject the proposed settlement.

Sincerely,

Michael T. Scheidler

Unix/NT Engineering System Administrator

Delphi Automotive Systems—IS&S

PHONE: (765) 451–0319

Email: c23mts@eng.delcoelect.com

Home Address: 9021 Deer Creek Road, Greentown, IN 46936

MTC–00017688

From: E. Jason Scheck
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

To whom it may concern:

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have been adversely affected over the past fifteen years because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior (plus appropriate punative actions), with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your consideration.

Jason Scheck

Portland, OR

jasons+doj@homemail.com

MTC–00017690

From: Trey Chandler
To: Microsoft ATR
Date: 1/23/02 1:50pm
Subject: Microsoft Settlement

I am writing to strongly oppose the proposed Microsoft settlement. I believe that the entire proposal is a farce as it only covers a few of the laws microsoft was and still is breaking. There are several unlawful activities specified in the Findings of Fact that are not even mentioned in the settlement. It does not make half an effort to lower the barrier of entry for competitors. There are even exclusions in certian sections that are clear violations of the law.

Please inform the court of my disapproval of this settlement and my hope that a real punishment for Microsoft will be realised.

Thank you

Charles Chandler

MTC–00017691

From: cpartin@smcvt.edu@inetgw
To: Microsoft ATR

Date: 1/23/02 1:46pm
Subject: Microsoft Settlement.

I am against the current terms of the Microsoft Settlement. I do not believe that the penalties are strict enough. Microsoft is still using it's power to stifle competition, as evidenced by it's recent actions toward Java/Sun. More needs to be done to stop this behavior.

Sincerely,
Craig Partin

MTC–00017692

From: Joshua Swickard
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I think the settlement is a good and fair.
Joshua Swickard

MTC–00017693

From: David Wheeler
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

Dear DOJ,

I think that the Microsoft settlement is a bad idea.

Regards,
David Wheeler
President
Kineticode, Inc.
David Wheeler AIM: dwTheory
david@kineticode.com ICQ: 15726394

MTC–00017694

From: Nathan Hokanson
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you as a concerned citizen of the United States, a professional in the IT industry and a taxpayer. I am very concerned and alarmed at the apparent laziness of the Department of Justice. Microsoft has displayed monopolistic attitudes and practices for a long time. Simply slapping their hand for past behavior is not going to stop the monopolistic practices. If anything, the current settlement will send a message to the management of Microsoft that they can get away with anything for a price.

The behemoth that is Microsoft must be stopped! If Micorsoft is allowed to continue to operate as in the past the market suffers, the industry suffers, the consumer suffers, and ultimately the tax payer suffers. Since your salaries are paid by the taxpayer, I would think it would be in your interests to see Microsoft's monopolistic practices curbed.

If the DOJ is not able to follow the will of the people then where do we turn for justice? The American people expect those in positions of responsibility to act responsibly. Please do so by not accepting a settlement that will hurt the economy in the long run. The American way of life is at jeopardy, even if you refuse to acknowledge that fact.

Sincerely,
Nathan Hokanson
Denver, CO

MTC–00017695

From: Bob Dehnhardt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

I wish to record my objections to the Proposed Final Judgment under the Tunney Act in Microsoft Antitrust Case.

The PFJ fails to completely address many areas of conduct which Microsoft has employed to abuse and enhance their monopoly. Half-measures are being taken in many cases which leave glaring loopholes that will allow Microsoft to continue their ''business as usual'' stance.

One area where this is the case is the Barrier to Entry. The PFJ appears to address this section well, forbidding retaliation against OEMs, ISVs and IHVs who chose to offer or support alternatives to Windows, and ensuring that Windows allows for the use of non-Microsoft middleware applications.

However, this section falls short by not providing for a competing operating system that could run Windows applications. Indeed, sections III.D and III.E enhance Microsoft's monopoly in the desktop OS by restricting release of information on Windows APIs to ''the sole purpose of interoperating with a Windows Operating System Product''. This effectively precludes the existence of a competitive operating system that can work with Windows applications, and guarantees a continued Microsoft desktop monopoly. This combined with Section III.A.2, which allows Microsoft retaliation against OEMs that ship PC containing a competing OS but no Microsoft OS, amounts to no change in the Microsoft desktop monopoly whatsoever.

The PFJ also limits its scope to Microsoft Windows 2000 Professional, XP Home, XP Professional, and their successors, all of which run on Intel-compatible processors. This appears to ignore the Windows server editions, as well as Windows versions written for other processors, namely Windows CE and Windows XP Tablet PC Edition. As handheld and tablet devices become more widely used and available, Microsoft's interest and presence will be felt more strongly. Their own website makes mention of this fact at http://www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp <http://www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp>, noting ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' By failing to address this area, the PFJ is again handing Microsoft an unrestricted monopoly for its operating system suite.

Finally, there is no effective enforcement system in the PFJ. The proposed Technical Committee has investigative powers, but enforcement is left to the judicial system, which as this case has shown, can take years in trials and appeals before a final judgment is reached. To a company with deep pockets for legal fees, and a large legal staff, this is no deterrent at all.

I urge you to re-read the Findings of Fact, look at the Barriers to Entry that were found to exist, at Microsoft's business practices vis-?-vis retaliation against and pressure on OEMs, ISVs and IHVs, at Microsoft's anticompetitive business and development practices, and do not issue a PFJ until each finding has been fully and completely addressed.

For a far more comprehensive assessment of the PFJ, I urge you to look at http://www.kegel.com/remedy/remedy2.html <http://www.kegel.com/remedy/remedy2.html> .

Thank you for your consideration.
Bob
Bob Dehnhardt
IT Operations Manager—Reno
Voice (775) 327–6407 Fax (510) 352–6480
Cell (775) 232–2820
TriNet
ePowered HR for Fast Companies
http://www.trinet.com <http://www.trinet.com>

MTC–00017696

From: paulickn@execpc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:50pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. It does not sufficiently prevent anticompetetive practices by Microsoft towards competitors and OEMs who would include non-Microsoft products.

Sincerely,
Nicholas Paulick
Oshkosh, WI

MTC–00017697

From: Jake Lauritzen
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Please break up Microsoft. Microsoft continues to use their monopoly power to stifle competition and innovation by other firms. This settlement is a complete travesty. Microsoft has already violated earlier restrictions on their conduct, and it ought to be apparent to anybody by now that there is only one option: Microsoft should be broken up, AND have severe conduct restrictions imposed. they should be forced to use open file formats in all their products. they should be forced to use open networking protocols in all their products. And they should be forced to open up their development APIs to EVERYONE.

Most of all, Microsoft should not be allowed to weasel their way out of this again.

thanks,
Jake Lauritzen

MTC–00017698

From: John Stillwagen
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

I believe to settlement with Microsoft is wrong and should be reevaluated.

John Stillwagen
jstillwagen@uscd.edu
San Diego, CA

MTC–00017699

From: Tom Price
To: Microsoft ATR

Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is NOT in the public interest. Rather, it seems to be a blatant attempt to create an even larger Microsoft monopoly.

Several suggestions:

1. While I support Gate's ''freedom to innovate'', I've also seen a number of good companies constrained from doing just that because vital information like application program interfaces (APIs) was simply withheld by Microsoft.

Microsoft should be required provide this information free, upon request, to anyone who wants it. And, there should be independent monitoring. Microsoft has demonstrated time and again that they cannot be trusted to do the right thing. If it can be demonstrated that they have developed separately-sold applications that utilize these so-called secret APIs, there should be substantial penalties, including release of the Windows source code.

To do anything less, is to hand them a government-endorsed monopoly on whatever software they choose to produce (now or in the future).

2. Make it possible to buy a computer without an operating system and without compensating Microsoft. Why should Microsoft profit if I plan to install Linux or freeBSD?

3. The services portion of the business (MSN, Microsoft consulting, Hotmail and future ''dot Net'' services) should be spun off. Leaving them as part of Microsoft as we know it is particularly dangerous to the consumer. Consumer purchase of these services (and exclusion of others) might be dictated by future releases of the OS.

4. Microsoft should be required to provide unbundled releases of their OS.

5. More technical people and fewer lawyers need to be involved in the wording of this document. It is not sufficiently broad to cover future advances in the technology.

6. ALL future acquisitions, expansions of business, price increases, and changes to licensing terms should be reviewed by DOJ to determine whether they are in the public interest.

I hope that SOMETHING can be done and that this agreement as it current stands will NOT be ratified.

Thank you for the opportunity to comment.

Thomas A. Price
PO Box 18941
Raleigh, NC 27619–8941

MTC–00017700

From: Ted Mielczarek
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does not offer punishment for past transgressions by Microsoft, nor does it adequately offer protection against future abuses. I think more action is needed in this matter.

Sincerely,
Ted Mielczarek
530 Montclair Ave
Bethlehem PA 18015

MTC–00017701

From: G.S. Lyons
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Microsoft has been found guilty. Microsoft is a monopoly. Microsoft continues to flirt with monopoly in it's buisiness practices, even while under increased scrutiny resulting from the antitrust findings. I strongly urge the DOJ to pursue a penalty that will truly prevent Microsoft from continuing to unfairly dominate the American consumer PC marketplace.

Gregory S. Lyons

MTC–00017702

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

The proposed settlement is a BAD idea.

Jonathan Bernard
Network Administrator
www.microlnk.com
866–795–6565

MTC–00017703

From: Kadam, Darshan
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

To Whomsoever it Concerns: I'm a citizen of the United States ''by choice'' and not by birth. While there are plenty of reasons I can cite for making this choice, one thing that really seems unfair to me is the way the entire Microsoft Antitrust trial has played out. I hope the proposed settlement is amended for stricter restrictions on Microsoft since I believe that Microsoft will take full advantage of the current ''slap on the wrist'' settlement and gobble up any competition.

And yes, I'm sending this email using MS Outlook, however, if I had a ''choice'' I would use a more secure mail application.

Thank You.
Priyadarshan Kadam
Atlanta, GA 30340

MTC–00017704

From: popa@alibaba.East.Sun.COM@inetgw
To: Microsoft
ATR,val.popa@sun.com@inetgw
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I am a computer citizen and I have been following the Microsoft saga from the very beginning.

The fact that the above company is utilizing tactics that not only have created a monopoly in the computing industry, is also strive with all its resources to create a ''Microsoft addiction'' just like the tobacco industry did and any other illegal substance peddlers do. I think this is wrong and creates an atmosphere of futile hope for progress.

Our industry, society and country can and must progress, and the progress is brought by competition and creativity, not by deceiving tactics , false promises or hidden agendas.

Another slap on the hand is not enough; you must set an example. I sincerely hope that you would not allow Microsoft's tactics to continue, and also you will set an example for future generations to applaud.

Regards,
Val Popa

MTC–00017705

From: John Justice
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

Hello, I'm writing a quick note with some thoughts on the proposed settlement in the Microsoft case.

As a developer, I write applications every day. But I (and thousands of others) would never dare to write programs that compete directly with Microsoft, as there's no way to win that battle. The problem is that any application written by Microsoft will inevitably work better on Windows, because the Microsoft application can use parts of the Windows APIs (application programming interfaces) that no one but Microsoft knows about. Without making these APIs completely public (and the file formats of the Microsoft Office applications public as well), the playing field will never be level between Microsoft and independent software developers (me). Thank you for your time. Please don't allow this weak proposed settlement to go through.

''The number you have dialed is imaginary. Please rotate your phone 90 degrees and try again.''

John Justice
jjustice@acm.org

MTC–00017706

From: Drew Bertola
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea. It is far too lenient and simply plays into Microsoft's hands.

Andrew C. Bertola
Sunnyvale, California

MTC–00017707

From: Brian Whitecotton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea!!!

Brian R. Whitecotton
Research Scientist
Quantum Magnetics, Inc.
7740 Kenamar Court
San Diego, CA 92121–2425
(858) 566–9200 ext. 423
brian.whitecotton@qm.com

MTC–00017708

From: Yehuda E. Ben-Shamai
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft

The current terms of settlement between the DOJ and Microsoft are not satisfactory. This long standing illegal monopoly is being given a free pass on their criminal behaviour. This is not acceptable. You, the Justice Department, should more vigorously pursue

a far more wide ranging and punitive judgement against Microsoft.

Ali Al-Beheshti

MTC–00017709

From: Sam Byrne
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I am contributing this comment to be considered in the case of US vs. Microsoft. As I am intimately involved in the day to day activities of maintaining a corporate network, I feel qualified to comment on the injustice that is being suggested in the Proposed Final Judgement. My daily tasks are multiplied in levels of difficulty simply because our organization attempts to use competing open source products. The number of obstacles Microsoft has placed in the way of interoperability demand that they be restricted from this type of activity in the future.

Microsoft should be prevented from imposing anti-competitive measures in their licensing agreements. I would refer to Kegel's statements as documented at http://www.kegel.com/remedy/remedy2.html#abe for further information regarding this particular issue.

As it is put forth, the PFJ is inadequate and will prove useless in preventing anti-competitive measures by Microsoft; measures that do not just hurt corporations trying to compete with Microsoft, but also the consumers like myself.

Thank you for your attention.

Sam Byrne

Network Administrator—H.I.S. Financial Services Corporation.

102 S. Tejon, Ste. 920, Colorado Springs, CO 80903

Phone: 719–633–7005x217 Fax: 719–633–7006

MTC–00017710

From: Frederick Geers
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

Please help ensure that Microsoft does not become the only operating system or software tools provider.

MTC–00017711

From: Wade Franklin
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement with Microsoft. I believe that they should be punished much more strongly. I am a software developer and I have observed their predatory tactics for over 15 years.

Wade Franklin

MTC–00017712

From: Newbury
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

What were you thinking?

The proposed settlement fails in so many respects it is incredible. The agreement gives all the power to MS to decide what the agreement means.

In particular, the agreement has no sanctions to stop Microsoft from requiring that OEM customers must not offer other Operating Systems, or to stop Microsoft from being able to charge OEM customers for every unit, whether or not an OS is requested.

As a result of Microsoft's monopolistic conduct, it is now impossible to buy, for example, a Toshiba laptop, which does not have, and never had, an operating system on it. Toshiba will not remove the wincrap, and will not rebate the price, because to do so would be in breach of its contracts with Microsoft. So *everyone* who wants Toshiba hardware, *must* pay the Microsoft tax.

The settlement agreement is sadly broken, and should not be ratified.

R. G. Newbury

MTC–00017713

From: groovus@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

This settlement is a bad idea. Barely a slap on the wrist for Microsoft. They should be held accountable for their abusive buisness pratices.

Thank You,
Robert Martin
4024 W Park Pl
Oklahoma City, OK
73107

MTC–00017714

From: Scott Yewell
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement of the Microsoft anti-trust case will do little to change the monopolistic practices of Microsoft. Any settlement which does not severely restrict Microsoft from building its products in the Operating Systems, Internet, and Applications market will do little to create a fair open computer software arena in which competitors are allowed to compete.

Windows XP has been used as an advertising platform for Microsoft products and services, and to lock out competing products. Microsoft's unfair practices (oft-referred to as strong-arm) leave precious little room for competitors in this environment.

You needn't look any further than to the open-source community for clues as to the state of the software industry. Thousands of developers donating their time and valuable skills in order to compete against the giant Microsoft. Why would thousands of computer programmers take time out of their busy lives to do for free what they easily could be paid for elsewhere? Because they want to see the project (linux) succeed in the face of MS.

Because they want an alternative to Windows. Because they aren't as naive as the typical home user who has no alternative to Microsoft, and they are not satisfied to use a product that forces them (or tries to force them) to use software inferior to that which they could write or have written...

To continue to let Microsoft bully their way around the software industry is to let that industry die a slow stagnant death. Competition and alternative is the only way to keep this huge part of the American economy thrive. Without a fair settlement of the MS case, this may not be possible. With MS allowed to compete unfairly against its rivals in Application and Internet markets by using its OS, is to allow them to squash any rival they wish. Please do not let this continue to happen.

Thank you,
Scott Yewell
Software Engineer
Newfound Communications
Lawrence, MA 01840
(978) 794–3878

MTC–00017715

From: Wagner Ralph
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I write to you today to express that I am against the current Microsoft Settlement. It seems to me that this ''settlement'' is not in the best insterests of the US Consumer, but rather is in the best interests of Microsoft—the convicted monopolist. Any attempts to justify this settlement in the interests of the economy are also a Red Herring. Microsoft has already affected the economy with it's monopoly by destroying innovative companies and promoting self-serving proprietary standards. Given this settlement, Microsoft would persue it's utopia of a monthly Microsoft bill—akin to your monthly telelphone or electric bill. There are several problems with the settlement as it currently exists, some of the points that I find particularly troublesome are:

1. The fact that no remedy is offered for the illegally obtained majority share in the internet browser market. They should not be permitted to keep the gains they have made by illegally exploiting their monopoly.

2. Any settlement that *had* sufficient remedies should be longer than 5–7 years, especially in the case of a repeat-offender such as Microsoft. The minimum term should be at least 10 years, with a maximum of 20. Microsoft has snickered at the US DOJ before as it walked away after a ''wrist-slap'' remedy (1995). Don't let it do so again.

3. The continued ability of Microsoft to ''bundle'' whatever it wants with the ''operating system'. This is exactly how Microsoft gained market share in the browser market. This practice must be stopped, and Microsoft will not do so on it's own.

In closing, I would refer you to a (very short) article that addresses (most) of these concerns quite well—http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20–OP–MS

Thank you for your time.
Ralph Wagner
8251 Greensboro Drive #413
McLean, Va 22102
703.902.5335 (O)
703.902.3457 (F)

MTC–00017716

From: Matthew Jenove
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

Summary: The proposed judgment falls short of intended goals.

To whom it may concern:

I am concerned that the proposed Final Judgment against Microsoft fails to end its anticompetitive practices for a number of reasons:

* Narrow Definitions of Terms

The terms ''API'', ''Microsoft Middleware (Product)'', and ''Windows Operating System'' are defined quit explicitly; so explicitly that it leave numerous loopholes through which Microsoft can continue many of its current practices.

* Proprietary File Formats

One of the ways Microsoft perpetuates the dominance of its Office suite is by not disclosing the way that files (word processing documents, spread sheets) are formatted. As a consequence, if you wish to share the documents that you have created, those computer users must have also purchased MS Office. And again, when Microsoft releases new versions of Office and changes the file format, one is forced in to buying the latest Office version in order to continue to read files created by others.

* Anti-Competitive Enterprise Licensing

Enterprise (i.e. schools, businesses, governments) license agreements often charge a fee for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. This removes any financial incentive to use alternative operating systems or software.

These are but a few of the things that appear to not be sufficiently addressed in the proposed Final Judgement. I urge the Department of Justice to review the proposed judgement and not let Microsoft continue its anticompetitive practices.

Sincerely,
Matthew Jenove
Software Engineer

MTC–00017717

From: Josh Fishman
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Dear Madam and/or Sir,

I'd like to register my distaste for the proposed Microsoft settlement. The proposed settlement would allow Microsoft to continue its worst practices unabated, while pretending to have paid for its crimes.

Here is a partial list of the practices which must be stopped by any real settlement or judgement:

1) Software Bundling AND Exclusion: by selectively disallowing and mandating what software is provided with a new computer, Microsoft controls which 3rd party software will be allowed to flourish.

2) Boot Loader Exclusion: by forcing Windows to boot before loading any other software, Microsoft prevents vendors from offering systems loaded with more than one operating system. Consumers who would like Windows and Linux or BeOS or OS/2 (or any other operating system) are forced to do the second installation themselves.

3) Punitive Pricing: by punishing vendors who do not load Windows on every system, Microsoft creates an artificial barrier to entry for competing operating systems.

4) Gag Clauses: by disallowing discussion among those who own or otherwise know the performance characteristics of their software, Microsoft guarentees that the only voice heard will be that of their advertising dollar—not the voice of reason or experience.

5) Misleading Advertisments: by advertising features and / or products which do not exist, Microsoft sows fear about the viability of real products which would compete.

There are some obvious solutions to these problems:

1) Disallow Microsoft from writing contracts which prohibit OR mandate any particular software.

2) Disallow Microsoft from writing contracts which prohibit OR mandate any particular boot sequence.

3) Publish all Microsoft software prices. This will make the DoJ's job significantly easier, as all vendor pricing will be instantly available for inspection.

4) Disallow Microsoft from writing contracts with gag clauses. Declare all such clauses null and void, and allow customers to discuss their expereiences with and benchmarks of Microsoft software.

5) Prohibit advertisments for products and / or features which do not exist. Enforcement would be problematic; perhaps offer a bounty to citizens, which Microsoft would pay directly, for spotting such ads? These remedies would not completely fix Microsoft. For example, the company would still be able to use its patents to intimidate competing vendors and open source projects. However, any remedy which does not address these issues is insufficient and lacking, and not worthy of this nation's Justice Department.

Thank you,
Joshua Fishman
144 West 10th St.
New York, NY 10014
fishman@cns.nyu.edu

MTC–00017718

From: Dwight N Buchanan
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I believe this settlement does not remedy the key issues. Microsoft continues to squash competors by bundling for free programs that do the same as commercially available software. It's hard to compete with free. Please do not let Microsoft stifle imagination and innovation.

MTC–00017719

From: Edward (q)Niko(q) Nichols
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As a computer professional, in the field for over 16 years, I have had the unique opportunity to watch the industry mature from novelty and hobby machines, to become a ubiquitous part of business. Much of our countries growth in the last decade is solidly attributable to computers. Sadly, I have also seen a trend of anti-competitive practices by a few corporations. I have been affected first hand by Microsoft's criminal business practices. When the anti-trust suit against Microsoft was proven, I believed that Microsoft would forced by law to end their unfair practices. However, the settlement reached by the government does little to address Microsoft's near monopoly powers. Specifically I find issue with the following specific points of the settlement.

On the issue of middleware replacement. The definition of ''middleware'' is so narrow, that it is not applicable to future version of Microsoft's operating systems. On the issue of restricting anti-competitive practices. Microsoft has continued to use restrictive licensing to prevent outside developers, specifically Open Source developers, from either creating software for Windows, or allowing for Windows software to run on another operating system. This is the key to Microsoft's ability to bend the market to it's whim. And the settlement proposed does nothing at all to address these issues. Microsoft continues its practice of harming competitors. Microsoft has branched into Personal Video Recorders, Cell Phone Operating Systems, Home Automation, Home Entertainment Consoles, Cell Phone Applications, Embedded Operating Systems and many other areas. Each of these niches is already developed, and competing in a free market. There are no new restrictions on Microsoft's ability to conduct business, and I believe that Microsoft will eventually dominate and control these and many other emerging markets, based on their past behavior.

I urge the government to take a fresh look at Microsoft, and consider carefully the terms of this settlement. I believe after due consideration and review, that the terms of the proposed settlement will be found to be unsound.

MTC–00017720

From: Whitney, Dennis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Hello to all,

The current Microsoft ''settlement'' is a very bad idea.

Why should we give MS another method of strangling competition as a way to settle a case?

If we are really serious about ending the anti competitive practices of MS, this is not the way to do it.

Thank you.
Dennis Whitney

''Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty or Safety''
Benjamin Franklin

MTC–00017721

From: Mike Bryant
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Dear DOJ, Of course you are seeing a large number of messages being sent in today due to a number of forums being told the deadline for comments is running out. Please do not let that detract from what I am saying.

Unfortunately, the proposed remedy that has been submitted regarding the monopoly practices of the Microsoft Corporation does not truly address the problem, but only some of the symptoms. Historically, Microsoft Corporation has taken the stance of ''bundling'' or ''folding into the operating system'' products that perform the exact same task as competitor products taking advantage of the inertia of the common user—what I like to call ''My Mom Factor''. My mom is frugal and doesn't understand computers very well. Going out and purchasing software that did not come with her machine is something she will do if advised by the computer professional in the family (me) that it is the only way, but downloading software from the internet is beyond her comfort level.

What this does is limit her to the software that generally comes bundled with a typical home PC (i.e. Microsoft solutions) and she won't venture beyond that range. For products to have any chance of competing within the My Mom Factor, they have to either ship with the PC or be on the shelf at the local software store and have no alternative sitting on the computer.

The proposed settlement should not allow the ''bundling'' of Microsoft Office or any other Microsoft products that do not specifically apply to the OS—web browsers and mail clients are not OS specific, even though there are hooks at that level to allow the other Microsoft products to interact. I would suggest looking back a few versions of Windows to Windows 3.1 to find what is specific to the Windows operating system.

Opening up all of the OS APIs so that developers can compete on the same level would also be a good move and it needs to take into account that Microsoft already has a head start in this. A real settlement should be ''leveling the playing field'' so that everyone is more or less equal for a while. The best example showing the current situation that I can think of is Ford builds an engine and makes it available for GM and Chrysler to use in their vehicles as well. All the vehicles perform okay and get 25 mpg.

Then Ford starts selling a new vehicle using the same engine that gets 40 mpg and go from 0–60 in 2.3 seconds. An independent investigation finds that all the vehicles weigh the same, are built from the same materials, etc. but the Ford vehicles have a special setting on the engine that lets the Ford transmission transfer power from the engine to the wheels much more efficiently. Would it be a good solution to tell Ford to pay a fine and tell about the wiring of how the engine indicates that it can run better, or should there be something more substantial?

I do ask that the DOJ please take a second look at the proposed settlement and ask the questions ''How does this make it level?'' and ''How does it prevent the My Mom factor?'' Thank you in advance for taking that second look.

Cordially,
Michael A. Bryant II
mikeb@casaichiban.com
Contact Information:
Michael A. Bryant II
1874 Elkwood Drive C
oncord, California 94519
(925) 521–1967

MTC–00017722

From: Richard W. Howe
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I am very unhappy with the proposed settlement with Microsoft. This company has been found to break the law in a major way, and yet it is proposed that it will escape with very little real penalty. We need diversity and competition to ensure a thriving and innovative computer market. Microsoft has clearly shown that it prefers to stifle innovation and competition.

Sincerely,
Richard
Dr Richard W. Howe
Research Scientist
Calcareous Nannofossil Biostratigraphy
Energy & Geoscience Institute
The University of Utah
423 Wakara Way, Suite 300
Salt Lake City UT 84108
USA
801–585 3539 Direct
801–581 5126 Reception
801–585 3540 Fax
http://www.egi.utah.edu/

MTC–00017723

From: Michael Boer
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

The proposed settlement is deeply disturbing to me. I am opposed to the proposed settlement.

I believe that Microsoft should be ordered to provide versions off all Office applications that will run on the Linux platform as well as the Windows and Macintosh platforms. This would help equalize the OS market and would benefit the entire industry.

Sincerely,
[X] Michael Boer
9504 Ravenna Ave NE #103
Seattle, WA 98115
[X] Michael Boer —> IM:MBoerSEA

MTC–00017724

From: Brian Stults
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

Dear Sirs and Madams:

I am writing pursuan to the Tunney Act public comment period to express my dissatisfaction with the Microsoft antitrust settlement. The proposed settlement will not prevent Microsoft from maintaining its monopoly in the computer industry. The findings of fact clearly described a pattern of corporate behavior that evidenced little respect for antitrust law or public sentiment. Though the proposed remedies themselves may be adequate, the enforcement measures will not provide enough incentive for Microsoft to fundamentally alter its behavior.

History demonstrates that Microsoft will not alter its behavior unless it is clearly in its competitive interests to do so. The proposed remedies attempt to force Microsoft to change its behavior in order to reduce its power in the market place. This will not succeed.

The only measures that can be effective are those that immediately change the competitive landscape, and then free Microsoft to struggle for power in this new, more level playing field. I agree with the court that a structual remedy is cumbersome and not likely to be effective. A technilogical remedy, with objective, quantifiable measures, is the only remedy that can be both effective and in the public's interest.

The competitive advantages of an operating system monopoly are twofold. First, Microsoft negotiates from a very powerful position with OEMs and ISPs. Second, their application software can be developed with special knowledge of the operating system and (optionally) devivered with the operating system to gain better market penetration. Any remedy must address both of these monopolistic advantages.

While I do not claim to be able to construct a better remedy myself, I think it is clear that any remedy must involve forcing Microsoft to open all of its APIs and file formats. Any time two pieces of MS software communicate out-of-process, the protocol for their communication must be public. Enforcement could come in the form of a court-appointed authority that had the right to demand to see the source code of any MS-published software and compare the documented APIs to the source code. If they were not the same or if the source code is not delivered within a few days, MS should be fined 1/356th of it's profit (this can be calculated after the fact at the end of each quarter) per-day until it satisfies the requirements. This would ensure that the applications of Microsoft's competitors have the same opportunity to succeed on the Windows platform as those of Microsoft itself. Microsoft may maintain its operating systems monopoly, but it will not be able to use to establish new monopolies in other market segments.

Thank you very much for reading and considering my comments.

Sincerely,
Brian Stults Brian J. Stults
Department of Sociology
3219 Turlington
PO Box 117330
Gainesville, Florida 32611–7330
phone: (352) 392–0265 x286
fax: (352) 392–6568
e-mail: bstults@soc.ufl.edu

MTC–00017725

From: maladon
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

I oppose the proposed settlement. It is bad public policy and only serves Microsoft's interests.

As written, there are many ways in which Microsoft can repackage their software to avoid meeting the definitions in the settlment.

By not including all of Microsoft's current operating systems the settlment allows Microsoft to move consumers from a covered OS to a new OS and bypass the settlment entirely.

Phil True

M.S. System Architect
Eagan, MN

MTC–00017726

From: Chris Storer
To: Microsoft ATR
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Chris Storer \ Infiniti Systems Group, Inc.
IT Consultant \ A Weatherhead 100 Company
cstorer@infinitisystems.com \ An Inc 500 Company
440–668–6225 440–546–9443 FAX \ www.infinitisystems.com

MTC–00017727

From: Hayslette, Steve
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

Do not let Microsoft get away with what they have done to the IT community.

They should not allowed to sell apps and the OS in the same company period. They should be broken up into two (or more) separate *competing* companies.

Here's why: As long as Microsoft has control of the OS they can still strong-arm and push obtrusive proprietary technologies to corporate and home users leaving companies and individuals at the mercy of Microsoft and forced to pay exorbitant fees.

Stephen C. Hayslette

MTC–00017728

From: Malaska, Ted
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

The Settlement is bad.

A. it does nothing to correct the problem of Microsoft being to powerful.

B. It does not help competition, and competition bring out the best in every thing.

C. the settlement involves Microsoft give software to school for free. This helps Microsoft more then it hurt them. Think the fixed cost in developing a Microsoft product is already spent. The variable cost the Microsoft is being made to make for this settlement it less then 5 cent a CD. Plus remember be giving there software to school they are now getting free access to kids which will grow up and buy the software they used in school.

The settlement is bad because it does not hurt Microsoft at all but in the long run helps them.

MTC–00017729

From: Brendan Andersen
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

I strongly disagree with the proposed Microsoft antitrust settlement for the reasons listed here: http://www.kegel.com/remedy/letter.html.

Brendan Andersen

MTC–00017730

From: Bernadine M Brown
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Case

While I do believe in free competition, I don't believe Microsoft does. It is my belief that they did in fact violate anti-trust laws and as a result we are all paying more money for inferior software. It is very bad for the consumer when there is no alternative out there. We end up paying a lot of money for software that has no decent security, that crashes computers many times/day which effects productivity, and the cost of which is getting higher and higher especially with the new licensing arrangements.

There is no incentive for Microsoft to provide anything better. Who do they have to be better than? Noone. Who suffers? The American citizen. Allowing Microsoft to bail out by providing more proprietary software to our schools only increases the monopoly. Why don't they provide books for libraries, or musical instruments or computers that run another OS. Their fine doesn't even hurt and just increases their monopoly.

This isn't free enterprise.

Bernadine M. Brown

MTC–00017731

From: Chris Parker
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. I don't feel that it provides enough remedy, and tells Microsoft to do pretty much what they are doing already.

What good is that? It needs to be more drastic.

MTC–00017732

From: Randy Strauss
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

I found out this morning you are seeking public comment. Please excuse me if I tell you things you already know. I am a programmer, with an masters in CS Stanford from the early 1980's. I have worked on many platforms and now have a Mac and a dual boot Windows/Linux machine. I worked at Frame Technology and stayed with FrameMaker when Adobe bought them, working on all 3 platforms though mostly on the Unix product, mostly on the UI.

To me, Microsoft is best known for lowering software standards. They didn't invent the term ''vaporware'' or ''FUD'' (fear, uncertainty and doubt), but they were the first ones to make a constant profit from selling vaporware and beta software and from using FUD to consistently stop others from penetrating a market. Companies constantly wait for MS to move in a market because they know that MS will come up with incompatible technology and everyone else will have to change. Customers would rather not change. No other company has the power to stop progress and move standards like MS.

In case you don't know FrameMaker, it is the leading professional long/technical document software. People use it to write manuals from 50–100 pages to thousands of pages. It is also used to automate the publishing of documents and forms. Though I've left Adobe, I probably shouldn't say how big the market is—but FM has always made well under $100M/year. $100M/year was seen as the whole market size and we had a decent piece of it. Luckily, it was always too small to attract MS attention.

Note that lots of people use Word to write manuals, because it's ubiquitous—essentially free since it either comes with most machines or is a std corp package. Yet people complain that Word is abysmal for these documents—often crashing. We successfully lured writers to use FM, but then these writers had huge problems getting content into FM. We wrote filters and partnered with filter writers, but MS is the lone DTP (desktop publisher) vendor that doesn't believe in having a decent exchange format.

Every company thinks it's important to exchange documents except MS. They kept their format not only secret, but constantly changing. At Frame, we couldn't afford bugs. Our number one goal was never, ever to lose user data. Crashing was merely horrible.

When MS came along and made crashing an everyday activity, making ''Blue Screen of Death'' a commonly heard phrase, we were astounded. Over the years they have consistently lowered software standards. Why could they afford to make shoddy software when no one else could?

One great example of this is in computer security. In the 1980s, all the unix companies worked on security. Leaving holes in a system wasn't an option. MS doesn't have to do that. Companies lose billions of dollars a year to viruses but still have to use MS products. Any other company would fill the holes. Sun spent huge resources to assure that Java applets woudln't damage a computer—so you don't hear of Java viruses. MS doesn't care. It's cheaper these days to fool customers, to make buggy software that has security problems. And MS can get away with it because they've created a culture

where it's expected. Companies expect to pay a tax for virus-prevention software. Even the ones that do realize it's a cost of Windows, they can't leave Windows. (MS is the only company I know of that advertises that their software releases are ''less buggy than the last one''. It's absolutely astonishing.)

Adobe spends lots and lots of effort making its partners happy, people who create add-on software. Several times they avoided very good acquisitions because it would have meant competing against partners. I know Sun is also very, very careful in this area. Adobe is the 3rd largest commercial software company. Sun is huge. Yet Microsoft thinks nothing of putting their partners out of business. They certainly encourage help, but where others worry about earning a reputation of being hostile to partners, MS does not. Why can they afford to be differeng?

I was so happy when Java came along. Soon I would finally be able to write cross-platform software—same file formats, same UI software. I have two great ideas for developing innovative, useful software. But it means learning MS's very peculiar UI development environment. If MS hadn't stopped Java, I could write it once, simply. I did write an interesting game that my kid loves—but there's no point trying to sell it. Any consumer first has to download Java—and that's too difficult. Once again, MS has stopped innovation and made it harder to compete. Any decent OS manufacturer would have been happy to incorporate Java. Any OS maker who cared about innovation or quality products or making software better or better software, that is.

FrameMaker has an API so that one can write a program to control FM. Adobe had a project a few years ago to put an easy-to-use UI atop FM to make a SOHO (small-office/home-office) DTP product. The FM back-engine was superior to anything in the market. The front-end (UI) was novel and made it easy to create great documents. The only other big player in the $250M SOHO publish market is MS, with MS Publisher. Our product was nearing alpha when MS announced a new version. Our product would still be way ahead, but Adobe didn't want to get in a marketing war with MS—they were much richer and we didn't want to compete with that bottom line.

The rumors I heard were that Adobe didn't want to be seen as a company that MS should squash. If MS wanted to, they could start buying, marketing and launching graphics products to compete against Adobe's core business. Adobe turned tail and halted the project. Customers suffered.

Early in the days of the lawsuits, I heard talk about MS being innovative. Yet only a tiny fraction of ''their innovations'' are really theirs. They buy innovation, kill most of it, and gut the rest. If these companies were allowed to compete and grow, we'd have much better software solutions.

I don't see how any settlement with Microsoft will change their practices. One thing I learned through 19 years in corporate environments is that a company's culture reflects management's personality. Consciously and unconsciously, Microsoft employees know how their company works.

Their attitudes are not going to change unless huge changes happen at the company. I've heard Gates talk over the years. He has grandiose ideas about bringing the world into the future, integrating with TV and appliances. He doesn't talk about doing it with others, just about what he and MS will do. MS does not have a culture of working with others, certainly not one of fair competition.

I've talked to people who worked at MS and at other tech companies. At other companies, people, even at the bottom of the ladder, talk about being part of the team, part of the vision. Not at MS. There only the programmers are part of the team. At other companies QA is central, testing is part of the foundation of software production. MS thinks nothing of alienating its QA people. Where other companies want their QA people to be full-time and really know the product, MS insisted (maybe still does?) that QA people be contractors and go elsewhere after a 2-year maximum.

Though it would help explain their shoddy products, it's still astounding.

I have been a MS stock owner at times. I'm not now. If the company would be broken up, I'd be interested again. I'd be interested in a company that wants to make a good OS. I'd be interested in a company that wants to make good products. MS just isn't that company.

MS seems to have gotten their early monopoly through fair competition and business practices. But then they abused it to develop other monopolies and lower the software standards for everyone. Requiring computer makers to bundle their softare, breaking their Java license and giving their browser away free to beat Netscape were just the most visible instances. My wife worked at 3Com for years and the stories were everywhere. MS is a bully and could get away with it not because they were big, but because they had a monopoly and if you did not put up with their bullying, you didn't play. She had tons of stories about planned conferences where MS would change the schedule at the last minute to shut out 3com or agree on a press release and then release something else. MS doesn't care about decent business practices because they can use their monopoly to cow almost all companies.

And the DOJ will only hear cases coming to court from people that tried to fight back, not the thousands of cases where people sold out, buckled under or just recognized the playing field and played along.

I remember when the anti-trust suits against IBM changed their business practices. It was wonderful for the industry and turned them into a much better company for all of us. This needs to be done with Microsoft. Bush sold us all out with the federal settlement.

I have a dual boot machine with Windows and Linux. The modem, a new, high-end modem, doesn't work for me—it almost works and others have had it work, but theres no tech support for Linux use because the vendor need only care about Windows. If it was a law-abiding monopoly, I wouldn't complain. It's not. I don't get cable TV because it's too expensive. I'd be willing to pay $100/year for a few good channels, but $600/yr is much too much. Cable TV is a monopoly I resist, even though I have 2 pretty main-stream kids. At the moment I would not own Windows unless I had to. I looked for a Linux machine that would just work, but couldn't find one. Every other PC had Windows pre-installed. Because of MS's monopoly, and the ruthless, illegal ways they've kept and expanded it, there're very yew choices on the market. If I can't make it work in another month or so, I'll consider spending a bunch more money and get a Mac with OSX.

MS has made choice very, very expensive.

Thanks for the ear.

Your decision is our best hope at the moment.

Take care,
Randy Strauss
1815 Walnut Dr
Mountain View, CA 94040
650–381–6078 (work, at Nominum)
650–279–6849 (cell)

MTC–00017733

From: James R. Leu
To: Microsoft ATR
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

The settlment is a bad idea, it does not address the real problem which is that the Microsoft corporation has a monopolist hold on the desktop software industry. Something needs to be done about there past actions to prevent them from squashing the innovations of the future.

Mr. James R. Leu
Allison Park, PA 15101

MTC–00017734

From: Jim Pullaro
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create

compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

MTC–00017735

From: Ray Berry
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

To whom it may concern—

I have been reading about the proposed Microsoft settlement, and I am against it in its current form. I do not see that it punishes Microsoft adequately for past wrong-doings, and simply formalizes the status-quo. I would appreciate it if you would consider this a vote against the current settlement, and also a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you,
Ray Berry
Evergreen, CO 80439

MTC–00017736

From: Holly Robinson
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea. It falls short of addressing key issues that Microsoft relies upon in its unfair business practices, so these will continue into the future, making the whole lawsuit pointless. The settlement must cut to the root of the problem, and not let Microsoft slither away with a slap on the wrists and no weaker for the ordeal.

Sincerely,
Holly S. Robinson

MTC–00017737

From: Roger mach
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

After following the progress of the Microsoft anti-trust trial with great interest and hope, I have been very disapointed to see the proposed settlement, which does little or nothing to punish Microsoft for their illegal actions and may instead actually serve to further increase their market share. In short, I believe the settlement does not serve the public interest.

In my opinion, any settlement should include massive fines against Microsoft, and possibly prison time for certain corporate officers. I would even suggest that revocation of Microsoft's corporate charter would be appropriate action against a company which behaves as they do, especially given their attitude of having done nothing wrong even after the findings of fact were upheld on appeal. It is clear to me that Microsoft will use any loophole to ignore restrictions on its business practices and therefore the penalty should not focus exclusively on such restrictions but also include substantial immediate actions such as those I mention above. It is my hope that with such penalties, the playing field will be leveled such that other competing technologies besides Microsoft's may gain market acceptance, and that in an environment of fair competition the best technology will win on its own merits.

Sincerely,
Roger Mach
5445 NW Burning Tree Ct.
Portland, OR 97229
rmach@iname.com —

MTC–00017738

From: John Schuch
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft settlement

To whom it may concern:

I would like to express my strong desire for the court to REJECT the settlement proposed by the DOJ and Microsoft.

The proposed settlement will do nothing to prevent the monopolistic practices of which Microsoft has been found guilty.

I urge the court to take a strong stand to enforce the law as it is written, and not to be swayed by the political forces currently in power at the DOJ.

Sincerely,
John Schuch

MTC–00017739

From: Matt Harrigan
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Look, I'm not a lawyer. I'm not a big corporate hotshot. I'm a concerned citizen and frequent user of computers. The bottom line in all this is that while Microsoft is a big company with alot of money, and they try very hard to make decent products for consumers, they fail. Alot. As a matter of fact the machine from which this is being sent is running Windows ME, and i'll be extremely surprised if I can complete this email message before something bad happens. On the other hand, the windows environment provides an interface which is popular because of it's ease of use, so alot of applications get written for it, both by Microsoft and by companies which will eventually be bought by Microsoft. Right now, sitting next to me is a linux machine which also runs an email program called pine. It's existed for about a decade with about 15 different revisions (a relatively small number for a piece of software), and i've been using it since then. It has never crashed.

I have never lost an email from using pine. This happens for three reasons:

1. Pine is written well.

2. It sits on linux which is a stable platform.

3. It's open source, so it works on everything.

Microsoft does not make products which do not crash.

Microsoft does not support open source standards.

Microsoft does not care.

Projects like WINE, StarOffice, etc . . . will suffer greatly if Microsoft is not actively encouraged by the US government to do the right thing. This is why we have a department of justice. You broke up the bell system, you privatized airlines, now please understand that the same thing needs to be done for the computer reliant public.

Matthew G. Harrigan
Retired .com guy who has nothing better to do than write the DOJ
mharrigan@viawest.net
CC:mtiffany@winfirst.com@inetgw

MTC–00017740

From: Bill Murray
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement. The following points are examples of problems that I have:

Microsoft's business practices have reduced the amount of choice available to consumers. Splitting the company into OS and Application divisions would have placed Microsoft's applications group on equal footing with other software companies but this idea was abandoned.

Why has the definition of middleware been tied to specific version numbers of Microsoft products? Just because a new version of Internet Explorer or Windows Media Player comes out does not mean the product is no longer middleware.

The same flaw as the point above exists for the definition of Operating System. Why are the successors to Windows XP not considered to be Operating Systems?

Microsoft has used it's Windows monopoly to make Microsoft Office the standard productivity suite used in business. A word processor that can not open and save a Microsoft Word document has zero chance to gain market share today. The file formats for Office files should be released to the public to insure that competing products can open and save Office formatted documents.

Microsoft should not be allowed to retaliate against OEM's that ship some computers without a Microsoft OS. If the customer wants a PC with Linux installed the manufacturer should not face higher Windows licensing prices. Microsoft should be forced to set one standard price for Windows licenses to ALL OEM's. Not just the top 20 OEM's. This price should not relate to the number of licenses purchased. Rebates should not be available to OEM's that bundle other Microsoft products (e.g. Office) with their computer. Microsoft should not be allowed to sell it's compilers with a end user license agreement that prohibits software developers from using the compiler to create software that can be run on Windows compatible operating systems. Microsoft is not prohibited from intentionally creating incompatibilities with the products of competitors in new versions of it's OS or Middleware. These are some of the problems that I have with the current Microsoft Settlement.

Bill Murray

MTC–00017741

From: Paul Bradley
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Hello,

Microsoft needs to be broken up into several different companies. They have way too much power at this time and any ''punishment'' they are given that allows them to stay as one company will be side stepped and they will continue to squash innovation. Bill Gates has proved he is no idiot, he will do whatever he can (and believe me, he can do it) to screw the world and get more money for Microsoft. The good of the world, the advancement of technology, putting computers in schools, making software more secure, easier to use, whatever: these are means to an end for Bill Gates. This man is more powerful than the president and that is not right. End this disgusting display of control this one man has over the world as we know it and break up Microsoft.

Sincerely,
Paul Bradley
Portland, Oregon

MTC–00017742

From: Andrew Shuvalov
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Dear Justice Department Officer,

When a criminal is robbing the bank, he is not offered any settlement option. Microsoft is robbing its customers, which are the majority of U.S.A. population, and many companies.

I beleive that any settlement with Microsoft, whatever it is, is morally wrong.

Sincerely,
Andrew Shuvalov
Information Architects

MTC–00017743

From: Jim Hardwick
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

Hello,

Under the Tunney Act, I wish to comment on the proposed final judgement (PFJ) against Microsoft.

I believe the PFJ does little to address the Findings of Fact (FoF) made by Judge Thomas Penfield Jackson and upheld on appeal. It does not define terms such as ''API'', ''middleware'', and ''Windows Operating System'' in a manner consistent with the FoF or accepted industry and academic definitions, allowing Microsoft to circumvent much of the PFJ. It does not provide a method for enforcing any of the outlined remedies. Most seriously, the PFJ does not encourage competition nor reduce the Applications Barrier to Entry.

I have mentioned a few of my concerns with the PFJ. I agree with the analysis and essay by Dan Kegel (on the Web at http://www.kegel.com/remedy/remedy2.html). I have also submitted my name for addition to the ''Open Letter to DOJ Re: Microsoft Settlement'' (available at http://www.kegel.com/remedy/letter.html) which will be sent along with a copy of Dan Kegel's essay to the Department of Justice.

Sincerely,
James Hardwick
Salt Lake City, Utah
Embedded Software Engineer, GE Medical Systems
Linux Programmer
Windows Programmer

MTC–00017744

From: Chris Linstid
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

As a consumer of Microsoft products (forced and voluntarily) and as a citizen of the United States, I believe it is my duty to inform the Justice Department (as I'm sure many have before me) that the ''Revised Proposed Final Judgement'' is too weak as to keep Microsoft from continuing its monopolistic business practices and does not thoroughly punish Microsoft for its many years of antitrust activities. Many of the provisions of the settlement are a good step in the right direction, but they are not forceful enough and some require more clarfication.

My specific comments are as follows:

1. In Section III, C, 4: An installation of a Windows operating system should at least ask before it re-writes the master boot record (MBR) on a hard drive. Currently, all Windows operating systems (after and including Windows 95) re-write the MBR upon installation, which disables most boot loaders for alternate operating systems, leaving only Windows bootable.

2. Microsoft should allow use of a non-Microsoft browser to download Windows update patches. Currently with Windows 98 and above, Microsoft's Internet Explorer is required to update Windows, including fixing most security holes and basic functionality.

3. After installation of a Windows operating system, activation of access to the Internet should not require deletion of the ''MSN Icon'' in order to not have to go through signing up for MSN's ISP. (this was still the case with Windows 98 and Windows ME)

Though I have not provided any suggestions on how to make this settlement more effective at stopping Microsoft's monopolistic practices, I am not a business person or a lawyer so my knowledge of antitrust law is somewhat limited. However, I am a software engineer and I understand that these ''flaws'' in Microsoft's software are not mistakes, they are purposely done to promote Microsoft software to the point of anticompetitive practices. I hope these comments will help bring Microsoft to justice.

Chris Linstid
System OS Group
Mercury Computer Systems, Inc.
phone: (978) 256–0052 x1345
email: clinstid@mc.com

MTC–00017745

From: Craig Gulow
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Sirs,

What comments need to be made? Microsoft has been found to be guilty of breaking the law. This finding has in no way altered Microsoft's corporate behavior. Mircosoft has proven themselves to be untrustworthy through their actions and shenagins during the various trials. Could any so-called remedy that merely slapped a fine (even a billion dollar fine) cause Microsoft as a corporate entity to behave ethically? I doubt it.

The best possible punishment I can think of is that they should be made to actually compete on level ground. Failing the breakup of Microsoft, I would hope that at least the closed systems (OS code, Office formats, etc) would be opened up and allows other companies to create software that could actually provide real competition.

I would hope that a settlement against Microsoft would be just that; AGAINST MICROSOFT. If Microsoft is slapped with a velvet glove, then I see no reason why soemone who robs a bank should be punished. Or the corporate ''leaders'' of Enron.

Craig Gulow

MTC–00017746

From: Phil Grapes
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

To Whom it May Concern,

I just wanted to drop a line concerning the Microsoft settlement. I feel that most of the proposed settlements are VERY lenient and will only serve as a slap on the wrist. They defintely won't deter Microsoft's agressive and damaging business practices in the future. I don't even understand why a settlement is being offered to a company that is clearly an anti-competitive monopoly. I feel that the only real solution will be to break them up into at least 3 parts (OS, Apps/Games, and Hardware), but I somehow doubt that will happen. They must have severe restrictions on pricing, business practices, and expansion into new markets for this entire proceeding be any sort of protection from the Microsoft monopoly.

In other words, settlement is definitely a bad idea!

Thank you listening to my opinion,
Zac Feuerborn
Boise ID

MTC–00017747

From: Janet Chen
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment on the proposed Microsoft antitrust settlement. Given the finding of facts in the Microsoft trial, I believe the proposed settlement is inadequate and will do little to change Microsoft's behavior in the future.

For instance, although the proposed settlement forbids Microsoft from retaliating at OEMs that ship computers with multiple operating systems; however, it has no provision for OEMs who ship computers with a single non-Microsoft operating system. In addition, the proposed settlement does not

force Microsoft to release information about file formats, although Microsoft's use of undocumented file formats prevents competitors from entering the market.

More troubling, the proposed settlement allows Microsoft to keep secret anything relating to security or copy protection. However, almost any API can be made to have some relation to security, so this renders many of the other provisions useless.

I hope that the proposed settlement will be rejected or amended to ensure that Microsoft does not engage in anti-competitive behavior in the future.

Thank you for your time,

Jy-Ying Janet Chen

MTC–00017748

From: Andy Jaquysh
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

To Whom it May Concern:

I feel the proposed settlement in the Microsoft case is a poor one. Microsoft in the past has shown an aggressive desire to work around any and all structural remedies. Any person of intelligence and imagination can find many ways to work around the structures given in the proposed settlement and continue to pursue anti competitive behavior. This is why Microsoft is so agreeable to the proposed terms. Microsoft has been found guilty of engaging in monopolistic behavior. Any solution must not only prevent this behavior from occurring in the future, it must also not allow Microsoft to benefit from it's prior actions. Any less than this flies in the face of long term public interest.

Sincerely,
W. Andrew N. Jaquysh
777 W. Middlefield Road
Apt #132
Mountain View, CA 94043

MTC–00017749

From: pj ponder
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

To whom it may concern,

Thank you for allowing public comments on this important subject. I support stronger sanctions against Microsoft and I think the Settlement Agreement does not and will not do anything substantial to change the status quo. Absent strong and effective measures, the monopoly that Microsoft enjoys and exploits now will only worsen, depriving us all of technological benefits we could gain from a more competitive industry.

I am particularly concerned that the process of settling this case is too heavily influenced by people who do not have a strong background in technology, and who perhaps have not spent much time thinking about the long range implications of letting the status quo go on. That sounds more negative than I had intended, my concern is that technological experts should play a significant and meaningful role in this case. It's not just legal issues that are being debated here, and I have been continually disappointed by how the states, the Justice Department, and the judges have failed to identify and analyze the technological issues at stake in this case.

The outcome of this case can have a tremendous impact on how people use technology and how data is managed for ourselves and the future. The monopoly business practices of Microsoft have already had a significant and detrimental impact on the free exchange of information, the development of free or affordable information systems, and have placed vital information resources at risk. The settlement agreement should do something to change the way things operate now—in a fundamental way.

MTC–00017750

From: Anthony R. Cassandra
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

Monopolies are one of the market failures of capitalism. As such, it is one of the governments prime tasks to prevent them from forming and to dismantle them when they do materialize. The supression and elimination of monopolies is the governments duty, regardless of the immediate economic implications. This has to be done for the long term benefit of our country. Failure to do this, is the goverment failing to do its job. Monopolies restrict people's freedom, and to sacrifice freedom for econoic reasons is not only wrong, but against the principles of the people that created and gave their lives for this country.

Microsoft has been stifling innovation by sucking up companies that had been creating innovative technology, to bring them under the umbrella of a corporation whose main focus is to monopolize every segment of the software market, not on creating innovative and quality products. To those that truly understand technology, the inadequacies of their software is so obvious as to not even warrant debate. Only those that do not understand the technology, or that have remained ignorant, sheltered in a world where there is only Microsoft software, do not see the deficiencies in their products.

Microsoft has used a blunt and powerful instrument to monopolize the marketplace, while the proposed judgement attempts to finesse its way to correcting the problems. This will not work. Attempting to micromanage the individual issues that led to Microsoft's monopoly will fail. All that will be done is to ensure that Microsoft and their extensive resources find loopholes in the agreement that allow them to continue their illegal business practices.

I am very upset with the settlement of this case as it shows that money and lawyers, and not citizens or principles, yield the most power in this country. It is not the justice department's job to engage in economic prediction, nor base their actions on such things. The justice department should make the punishment fit the crime and not let other peripheral factors dictate their actions.

Tony Cassandra, Ph.D.

MTC–00017751

From: Ted Hunter
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Microsoft uses the advantage the number of systems that run Windows gives them to force their customers to constantly upgrade to new but still severely flawed operating systems.

MTC–00017752

From: alta
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

Department of Justice:

During my 25-year span as a computer professional, I have watched Microsoft grow. I continue to be appalled that Microsoft has been able to sell unreliable, defective products using the following practices:

-Advertising non-existent products to kill legitimate competition.
-Buying companies in order to kill them
-Forcing large distributors to install Microsoft, only.
-Covering defective product internals with glitter and gold.
-Licenses that give them immunity to damage from defective products.
-Large campaign contributions to buy protection from government.

The result has been:

-Many innovative companies have been destroyed.
-The world-dominant operating system (Windows) is defective,
-Users have come to expect that software crashes are normal.
-Due to licensing practices allowed in our (and other) countries, Microsoft is the only business of its size that is unaccountable for damages due to defects in its products.
-Windows is a serious threat to national security and to businesses.
-Now under investigation, they STILL continue these practices.
-Even the US government seems unable to touch this monopoly.

I ask that you do what needs to be done with Microsoft. Please protect our national security, and give technological users and innovators a chance.

Thank you for considering my view.

Sincerely,
Reed I. White
ALTA RESEARCH

MTC–00017753

From: Cameron La Rue
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The following areas should be examined further:

1) The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered”

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

3) The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

4) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

5) The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

6) The PFJ as currently written appears to lack an effective enforcement mechanism.

These points are all discussed further at this URL: http://www.kegel.com/remedy/remedy2.html

Regards,
Cameron La Rue,
Phoenix, Arizona;
Software Engineer,
LSI Photomask

MTC–00017754

From: kieran hervold
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

To whom it may concern,

Thanks to the heroic efforts of the Department of Justice in its case against Microsoft, there is room for hope for a of future technological progress unencumbered by Microsoft's monopolistic rule. However, the Settlement currently under consideration falls will not succeed in preventing future abuses by Microsoft. Most glaringly absent from the settlement is any mention of punitive measures available to the Technical Committee; the committee, therefor, has no recourse but another expensive and slow round of court hearings.

Thank you for taking the time to consider the public's input,

Kieran Hervold
San Francisco, CA

MTC–00017755

From: Access
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I oppose the proposed settlement of the Microsoft case because I believe it is insufficient to restore a competitive marketplace and because the proposed settlement does not hold Microsoft adequately accountable.

Thank you.
Mark C. Onstad
Access Music
1537 Garnet Avenue
San Diego, CA 92109
http://accessmusicstore.com
http://LLcrew.com
access@accessmusicstore.com
858–270–3987 phone
209–755–5968 fax

MTC–00017756

From: Jim Cromie
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Gentlemen,

I appreciate this opportunity to add my voice against the Microsoft Settlement.

My one fear of this feedback process is that you will be buried by email generated by a concerted grass-roots lobbying effort by Microsoft, who are no doubt enlisting the support of ''interested parties'', such as shareholders, employees, business and marketing partners, etc.

The idea that the ''remedy'' is to allow Microsoft to ''give'' their product to grade schools all over the country is a thinly veiled marketing ploy.

They are giving away hardware only, the software has strings attached. Schools are where Apple products are most competetive with Microsoft, and this plan is a way to subsidize their competitive battle with Apple. I much prefer a settlement along the lines described by the CEO of Red Hat, Fines levied against Microsoft are used to grant cash to the school systems, who can then purchase what they want, w/o strings attached. Microsoft then competes with Apple and everyone else on a level playing field, based on the cost of their bid, and the features and support it includes.

thank you

MTC–00017757

From: Michael D. Pritchett
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I have a few concerns with the REVISED PROPOSED FINAL JUDGMENT (RPFJ) [found at the following web address http://www.usdoj.gov/atr/cases/f9400/9495.htm]. On the whole, I do not believe that it will remedy Microsoft Conduct.

1. The RPFJ Section III—D release of the API has two basic issues. The release of the information is via (''MSDN'') or similiar is current status quo. MSDN is a subscription system—so release of such information is not readily available. The timing of the release is not competitive. It allows Microsoft (i.e. Microsoft Office) access to such APIs across its product line before other have access to it, yielding unfair advantage in software development for Microsoft in any area of competing software.

2. The RPFJ Section III—J provides an escape mechanism for the disclosure of Microsoft API, Documentation and/or Communications Protocols, by labeling such as security compromises. This broad loophole may be used to hide certain API and can place a significant burden on Enforcement Authority to oversee differences between general and security.

3. The RPFJ does nothing for opening up other areas (i.e. File Formats) where Microsoft uses its OS monopoly as an ufair advantage.

Sincerely,
Michael D. Pritchett
Senior Software Engineer
STI-Inc.

MTC–00017758

From: Kenneth Smelcer
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Dear Sirs,

I do not feel the proposed settlement agreement between the DoJ and Microsoft should be allowed to stand. Microsoft has been determined by the courts to be a monopoly in the PC browser and operating system marketplace and therefore should be held to a higher standard of conduct. I do not believe the current settlement will keep Microsoft from exploiting its monopoly status when competing in other PC application arenas. Any settlement needs to require Microsoft to fully disclose all interfaces (APIs, file formats, etc.) and to have strong enforcement support to make sure Microsoft follows these directives.

Sincerely,

Kenneth T. Smelcer

MTC–00017759

From: Bear Giles
To: Microsoft ATR
Date: 1/23/02 1:59pm
Subject: Microsoft Settlement

I am writing you to express two major concerns about the proposed Microsoft settlement.

First, Section III.J paragraphs 2(b) and 2(c) allow Microsoft to condition disclosure of API, Documentation and Communcations Protocol of the authentication system on the basis of Microsoft's determination of the viability of the requestor's business and product. As I, and many others, read these clauses Microsoft could unilaterally refuse to provide any documentation to the widely used SAMBA tools since this is an open source project with neither a business nor a viable ''commercial'' product.

Yet this free software—of no commercial value—is widely used to replace Microsoft Windows file and print servers with Unix servers running SAMBA. The companies benefit from reduced license fees and a perceived (and probably real) increase in reliability.

With these clauses, Microsoft could unilaterally render SAMBA sites obsolete by implementing a new authentication method for file and print sharing and refusing to disclose it to the SAMBA team on the basis of the lack of a viable commercial product. This harms the interests of the SAMBA team and of countless third-party users of their software. The sole beneficiary is Microsoft itself, since it can anticipate increased licensing fees to replace the free alternatives. Given the conflict of interest, I would like to see the proposed settlement modified to accomodate legitimate open source projects in addition to viable commercial businesses. I understand and accept that there may need to be reasonable restrictions on what a legitimate open source project is to avoid it being used as an end-run around the commercial viability clause, but SAMBA and other major programs should certainly qualify by whatever criteria is adopted.

Second, more generally Section III.J paragraph 1(a) allows Microsoft to avoid disclosing APIs, documentation and communications protocols related to various security, encryption and rights management systems. History has repeatedly shown that systems with documented APIs and protocols are more secure than those that keep this information secret. Public disclosure ensures that problems are detected AND FIXED as early as possible as the ''white hats'' quietly notify the responsible parties before public disclosure of the need to update the software.

Nondisclosure, in contrast, does little to slow down a dedicated attacker. The results are far more catastrophic since the ''black hats'' will not only attack anyway, they'll attack victims who have been lulled into a false sense of confidence by the ''secrecy'' around the API and protocols. Ideally, I would like to see the sense of this clause reversed. Perhaps something along the lines of:

This Final Judgement shall:

1. Require Microsoft to fully document, disclose and license to third parties any and all portions of the API or Documentation or Communications Protocols related to the anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication systems, unless lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Permit Microsoft to keep confidential the specific keys and authorization tokens used with the APIs and protocols discussed above.

Respectfully,

Bear Giles
Coyote Song LLC
Boulder, Colorado
bgiles@coyotesong.com

MTC–00017760

From: Bob Steward
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

Dear Sirs:

I have been saddened to see that the DoJ seems to have caved in to the demands of Microsoft in a proceeding which is supposed to be a penalty phase for them after having been ruled against in Court.

It is widely seen in the personal computer field that Microsoft's attitude and actions are obviously those on a major monopoly wielding their ''big stick''. From the mid-eighties on, the industry comment on Microsoft's tactics with the operating system against its competitors was ''DOS isn't done ''til Lotus won't run!''

Where there used to be a large number of major competitors in such things as word processors and spread sheets, there is now essentially only Microsoft Office. Not even all die hard Microsoft cheerleaders will say that Microsoft Office is a superior product to the Lotus 1–2–3 and Word Perfect products that Office were created to compete against. So if it isn't a ''superior product'', why has it stamped out all other competing programs? Because of insidious ''features'' like proprietary formats that change with each release, requiring that everyone who exchanges documents must also ''upgrade'' in order to continue to work together.

They have relentlessly crushed new innovation and existing competitive products with tactics that included announcing that the features of a competitor's product would be ''free'' in the next release of Windows. This has had the effect of removing the financing of companies because of announcements that the next Microsoft release would ''give away'' the product that a particular company had developed. Many excellent products were destroyed in the name of ''competition'' from Microsoft. Even startup companies with no current product for sale were destroyed by this tactic. If the word went out from Redmond that some feature would be in a future release, then the startup would be at the nearly insurmountable disadvantage of having conceived of an idea and worked to develop a feature set and screen shots in order to make an announcement to the public (and potential backers) that they were going to release a particular program, only to Microsoft suggest that this was a ''new feature'' to be incorporated into Windows. This announcement might or might not actually come to fruition on Microsoft's part, but it stopped the would be competition dead in their tracks since they knew they could not survive a direct frontal assault by Microsoft. Consider the Stacker vs. Microsoft case in which Stacker won a multi-million dollar judgement against Microsoft for having stolen Stacker's code for use in Microsoft's DoubleSpace drive compression, and yet Stacker was forced out of business and bought by Microsoft without Stacker ever collecting the judgement.

There are many other examples, such as the wholesale re-use of Mosaic code to create Internet Explorer and the subsequent bundling of it with Windows causing the brilliant innovator Netscape to collapse. Even today years after Internet Explorer was bundled with Windows, Netscape remains a superior product with a better user interface, but changes in Microsoft code continue to damage users of Netscape because Microsoft's Monopoly allows them to break ''standards'' and thus cause other products to spend large amounts of manpower to keep their code working with the latest Microsoft changes.

I personally feel that money damages alone would not effectively level the playing field for all that wish to compete for the public's computer software dollar. Rather, it would seem that Microsoft should be given a dose of their own medicine and be barred from developing or releasing ANY internet applications or in bundling applications with the operating system such that for a period of say 5 years they can not enter the market place with anything that is an internet application. This would have the effect of letting other competitors build a lively marketplace and encourage innovation and competition such that at some future date when (if?) Microsoft is allowed back into the arena, they will have to PROVE their product is superior, and not just under bid and pre-bundle to kill off their established competitors.

The plainly biased offer by Microsoft to provide a billion dollars in computer hardware and software to schools as a ''penalty'' is ludicrous. This only enables them to snare the next generation of computer users at an even younger age and train them up to be experienced at using ONLY Microsoft's products. Further their accounting would value the software at some ''retail'' price which effectively puts profit back in Microsoft's pocket. Rather if a

''sanction'' like this were to go forward, the hardware should be purchased by Microsoft from non-affiliated companies, and the software should be a mix of Open Source alternatives, such that Microsoft is not further extending its monopoly at the expense of other computer innovators.

The effects of letting Microsoft ''own'' commerce on the internet with their ''.NET'' initiative and several other projects (Hailstorm) that seem aimed at REQUIRING Microsoft to be an integral partner in matters they have no business in seem pressing enough to prod even the most jaded bureaucrat into action to turn back the juggernaut which Microsoft has become to the detriment of PC users everywhere.

While much more could be said about this, I can only hope that your time will be more productively spent STOPPING the collapse of sanctions against Microsoft, so I shall rest.

Sincerely,
Bob Steward
Birmingham, AL

MTC–00017761

From: Dan Gary
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is a bad idea and must be reconsidered. Microsoft has been found guilty of monopolistic practices and should be punished. Microsoft is still continuing their practices today and should be punished in an appropriate manner to make them stop.

MTC–00017762

From: Brian Roderick
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to express my concern over the proposed Microsoft settlement. I do not think that the settlement provides strong enough remedies to prevent Microsoft from continuing its mopolistic behaviors. The remedy should include opening of the Windows source code. Please do not let Microsoft ''get away with murder,'' as it were.

The Microsoft settlement is a BAD idea.

Thank you,
-brian

MTC–00017763

From: Nasal, Caroline A
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Caroline Nasal

MTC–00017764

From: David Gustafson
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

I believed that Microsoft is a monopoly that is using it's power to squash competition. In order to see a healthier OS marketplace I would like to see them punished for their anti-competitive acts.

Companies like Enron and Microsoft should be punished for causing people like me to lose faith in the ''free market'' system. In order for conservatives to be able to continue to say ''the market will solve the problem'' Microsoft must be punished. Otherwise it is all just empty talk by people who are robbing us all. I say go after them for racketeering.

David Gustafson
System and Network Administrator
davidg@us.autonomy.com

MTC–00017765

From: Dallas Pesola
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement—

I Chose Internet Explorer over Netscape I worked at IBM and Netscape was the only browser on our workstations. I loved Netscape! I used it when others were talking about using Internet Explorer (probably because it came with their home PC operating systems). I didn't have a home PC, only an IBM Thinkpad provided to me at work. I decided to download Microsoft Internet Explorer (MSIE) to try it for myself. I started using it and noticed features of the browser that provided me benefits that Netscape could not offer with their currently package. The more I used MSIE, the more I liked it. The point is...I made my own choice to use MSIE because I felt that it was a superior product. I am the user, I use the software and I make my own choice as to which I prefer. I prefer MSIE. With that said, if Netscape ever releases a browser that functions in a manner in which I find beneficial to me, the user, then I may switch back. Until then.....

Sincerely,
Dallas Pesola
2712 U.S. 41 West
Marquette, MI 49855

MTC–00017766

From: mchaney@carlisleschool.org@inetgw
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

To whom it may concern:

I am the system administrator for Carlisle School, a small independent school in Southwest Virginia. We have over 200 computers in active use with a variety of operating systems, most of which are versions of Microsoft Windows. I am deeply concerned about the current state of the Microsoft anti-trust settlement. We rely heavily on donations of money and hardware in order to continue to provide our students with the computing background they need for college and later in life. The biggest obstacle to my job is the lack of viable alternatives for expensive Microsoft products. The current settlement will not do anything to address the major problems that we face with our computers: Microsoft Office.

The school adopted Microsoft Office 2000 as its office suite shortly before I was hired. We would very much like to be able to look at alternatives such as Wordperfect Office from Corel, which offer better features and/or pricing that is more friendly to small academic institutions. Unfortunately Microsoft's closed document formats make this all but impossible. If a student saves a document in Word at home they won't be able to print it out and turn it in here at school unless we also have Word. I am unable to recommend alternative products to students asking my advice on computer purchases because they need to be compatible with what we have here at school. If Microsoft's office document formats were made public, then I would be free to shop around and find the solution that best served the students'' needs. I could tell students about a variety of office suites and help them make informed decisions. As it stands, I am terrified of the day when Microsoft changes its format to something Office 2000 cannot read, forcing us to deal with expensive and restrictive licenses on software that will likely not run on 65% of our machines. The current settlement does nothing to address the issue of opening up MS document formats, and therefore does little to help the students of Carlisle School.

Marshall Chaney
System Administrator/Videographer
Carlisle School
300 Carlisle Road
P. O. Box 5388
Martinsville, Virginia 24115
CC:gmchaney@alumni.duke.edu@inetgw

MTC–00017767

From: R.S.Giner-Sorolla
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

As a US citizen, I believe the settlement does not go far enough. Count me against it.

No payment was received in exchange for this email.

Roger Giner-Sorolla, Ph.D.
Lecturer, Department of Psychology
Keynes College A2.1
University of Kent at Canterbury
Canterbury, Kent CT2 3NP
United Kingdom
tel +44 (0)1227 823085
fax +44 (0)1227 827030
omit +44 when calling from inside UK
omit (0) when calling from outside UK

MTC–00017768

From: Adam Riggs
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

The Microsoft settlement is not a good idea since it has no real remedy power or future limitation of monopoly exploitation. Please add me to the Tunney comment petition.

Adam Riggs

MTC–00017769

From: Robert D Vincent
To: Microsoft ATR
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530
23 January 2002

Dear Ms. Hesse:

I'm writing to comment on the proposed settlement in the U.S. Department of Justice's action against Microsoft.

I strongly feel that the tentative settlement should be rejected. It needs to be strengthened in many areas in order to restore real competition in the software marketplace.

One particular thing I would like to see added to the settlement is a requirement that Microsoft publicly document the file formats for all Microsoft Office documents, including Microsoft Outlook. In addition, Microsoft's licensing practices need to be reformed across the board. This includes their end-user licenses, site licenses, developer licenses for redistributable components

Thank you for your attention in this matter.

Sincerely,
Robert Vincent
40 Cummings Rd
Newton, MA 02459

MTC–00017770

From: William M. Shubert
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

To Renata Hesse,

I am writing in regards to the proposed settlement with Microsoft. In short, I find it appallingly weak. I have been in the computer industry for over ten years now, and have seen up close what Microsoft's business practices have been. When I heard Judge Jackson's ruling, that Microsoft was not only a monpoly but had used its monopoly status to harm its competitors, I was relieved. I have long felt that Microsoft is not only willing but eager to do anything it takes to take away market share from its competitors; usually this is not a problem, in fact it may be considered admirable determination in most companies. The difference is that Microsoft's operating system monopoly (and more recently the monopolies in word processing and spreadsheets) gives it opportunities to ''win'' a market not by producing a better product but by sabotaging the products or marketing plans of its competitors, and Microsoft has used these tecniques repeatedly, to the detriment of both consumers and the overall computer industry. This relief at Judge Jackson's ruling turned to dismay when I read the new settlement.

The new settlement, in my view, does little or nothing to prevent Microsoft from continuing its current practices. Most parts of the settlement ''sound right'' if you skim over it, but in fact every single part has loopholes or weaknesses that render the entire settlement ineffective. In fact, the settlement reads as if it were written by Microsoft itself, trying to find a document that would do nothing but provide a smokescreen that Microsoft can hide behind as it continues its business as usual.

What follows is a couple specific examples of problems with the settlement; I could have written many more!

First, Part III.E of the settlement states that Microsoft must provide information to others about its communications protocols. This sounds good; one of the things preventing people from switching to non-microsoft operating systems is the difficulty of getting non-microsoft systems to work together with the existing microsoft-based computers. But when this paragraph is read carefully, it is found to be lacking; for example, the protocols must be distributed, but only under ''reasonable and non-discriminatory terms.'' But reasonable and non-discriminatory in whose view? The free unix variants are now Microsoft's biggest competitors, but any non-disclosure or per-sale fee would be completely impossible for these competitors to meet due to their open source and freely distributed nature! Thus one of the paragraphs which will do most to enable Microsoft's current competitors to compete is made completey useless.

Second, there is absolutely nothing in the settlement to deal with Microsoft's past abuses of its monopoly status. Microsoft had been put under restrictions for its monopolistic practices before, and it was found to be still acting as a harmful monopoly, but yet it's punishment is only more restrictions? What is the point of placing restrictions on Microsoft if when they are violated the punishment is essentially nonexistant? It seems that Microsoft must be given a punishment, not out of spite, but just to ensure that this new set of restrictions will not be ignored as the previous ones were.

Sincerely,
William Shubert,
Computer Engineer
2014 NW Glisan St. #510
Portland OR 97209

MTC–00017771

From: Jones Daniel E USARPAC DCSINT
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

You've got to be joking.

The terms of the proposed ''settlement'' seem little more than an outright surrender. Guess that the DOJ is too worried about homeland security now to care about the fact Microsoft has established and is maintaining one of the most extensive and aggressive monopolies in decades.

Let's recall that Microsoft has been found guilty, repeatedly, by various courts and judges, of criminal violations. Let's recall that their behavior hasn't changed a bit throughout the period. Let's recall that its representatives have been caught telling outright lies to the courts. And now let's ask ourselves if extracting a promise to be better is really an effective solution. The answer should be obvious. Alas, it appears to have eluded our fine DOJ. So just in case you couldn't guess, the answer is ''NO''.

I'm surprised the judge would allow her intelligence to be insulted in this manner.

Dan Jones
Kailua, Hawaii

MTC–00017772

From: James Dornan
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

I think that the proposed settlement does much more harm than good, does not help those harmed by Microsoft, and in fact, does only help Microsoft.

James H. Dornan
2724 E. 11th Street
Long Beach, CA 90804

MTC–00017773

From: Mark J. Miller
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

Hello,

I am currently a 4th-year student in Electrical Engineering / Computer Science at the University of California, Berkeley. I am writing to comment on the Proposed Final Judgement in the Microsoft Antitrust case. In reading over the PFJ and commentary regarding it, I have come across many loopholes and frailties in the proposed settlement.

Chief among my concerns is the complete and total disregard for publishing file formats. I use KDE (http://www.kde.org) on top of a FreeBSD kernel (http://www.freebsd.org), and I have found it nearly impossible to interact with any sort of Windows documents. These proprietary formats have changed greatly over the years and across Windows versions, and without sufficient documentation, other applications have no way to interact with the files.

Add to this the near-complete monopoly Microsoft has in the business world, and people like me who choose not to use Microsoft products are punished severely. As I mentioned, I'm a 4th-year student, about to graduate and trying to find a job. I have been appalled at how many potential employers demand Word documents for resumes. I have also been consistently irritated by receiving Microsoft documents via email without an effective way to read them. All of this makes the cost of switching to competing products a very painful process for anybody contemplating a change.

Secondly, the PFJ does nothing to prevent Microsoft from introducing unnecessary incompatibilities to gain an edge on other products. I use Samba, a Windows-compliance package that allows my computer to transfer files to and from Windows machines on my network, but it does not work with all versions because of Microsoft's insistence on changing the protocol with each new version of Windows. Samba is perpetually playing a game of blind catch-up, because the changes occur without notification or documentation. This behavior encourages others in my situation to migrate from my preferred platform because of monopolistic reasons, and should be a target of the settlement.

Third, Microsoft licensing provisions make it very difficult for software vendors to write software that runs on platforms other than MS Windows. This produces a chicken & egg problem that discourages consumers from trying other products because of a lack of usable commercial software. Please consider these comments carefully. Microsoft is widely considered to have a hold on more than 90% of the desktop market. Microsoft has proven itself unwilling to obey the spirit of the court's ruling before—I can recall several incidents off the top of my head, such as their rigged demo of Windows without IE, their flagrant theft and broken reimplentation

of disk compression back in the days of DOS... this settlement has to be airtight. Remember that Microsoft has attained its current position by illegal means, and the results have meant poorer quality software for consumers.

Thank you for reading this.

Mark Miller
Student, UC Berkeley
Berkeley, California

MTC–00017774

From: Jason T. Collins
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement

I disagree with the proposed final judgement in United States v. Microsoft. It does not go far enough in reducing Microsoft's ability to extend their monopoly illegally. Splitting Microsoft into two companies (Applications and Operating Systems) would be an ideal solution, since it would enable applications such as Microsoft Office to be developed for alternate operating systems, allowing them to be competitive with the Windows platform.

In addition, there's a lack of an effective enforcement mechanism. Perhaps an independent committee with investigative powers would be appropriate.

Please reconsider the settlement if at all possible—as it currently stands, it will impede the progress of freedom, fail to give justice for innovations crushed by the Microsoft machine, and hurt the economy.

Please contact me if you have further questions.

Jason T. Collins
Software Engineer

MTC–00017775

From: Steve Sarette
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Hello,

I'm writing to voice my opinion that the proposed Microsoft settlement is a bad idea. Any settlement that does not force Microsoft to open its file formats and it's API set is a bad idea.

I've been working in the computing industry for 17 years now so I've seen a lot of the history of this thing. As I see it, the fundamental problem with Microsoft's monopoly is not the cost of their products or the ''innovation'' that they bring to software development. Instead, it is the control they exert over the data on the machines. After all, for most of us the data is the central point of computing. It is the reason why we use a computer in the first place.

By data I mean the word processing file that you are working on. Or your email. Or your personal/business finances, or the website that you are developing. It is that new song you wrote and want to digitally record. It is the research that you want to do online.

By allowing Microsoft to maintain an unsupervised monopoly on the desktop, we are handing them the ability to control how data is recorded, edited, and accessed. We allow them to determine how we can speak our minds, run our businesses, even build our products. And when we do that, we give them the ability to levy a tax on, effectively, our ideas.

For example, today when people want to collaborate on a document it is not unusual for them to use Microsoft Word to do so. After all, Word is bundled with most machines that come pre-loaded with MS Windows (which is to say over 95% of all computers sold). Almost everyone has it. It is convenient to do so.

But what if I don't want to use Windows? What if I prefer to use an Apple Macintosh instead? Sure Word is available for the Mac—for a few hundred dollars.

Or what if, instead, I'm one of the millions of users of Unix operating systems and their variants? While there are plenty of products like Microsoft Word for those platforms, Word itself is not available there. Yet because Microsoft keeps its file formats a secret, the interoperability between those products and Word is difficult at best. So because 95% of the work force is using Word, the rest of us are forced to use it as well. If I want to use a Unix machine to do my job, I still have to purchase a windows machine in order to collaborate with my colleagues. Even worse, if one of my colleagues decides to purchase a new Windows machine, most likely he will receive a new version of Word on that new box. But because Microsoft does not provide compatibility even between different versions of their own products, that means everyone else will also have to upgrade Word (at no small cost) if we want to effectively continue to collaborate on documents.

Ultimately this is how Microsoft's continued monopoly and habit of bundling software with their operating system hurts consumers. I can't use a low-cost alternative to Microsoft's software because it is too difficult to make that software work with Microsoft. So my alternative is to purchase expensive hardware and software that I don't want and then forever after to be on Microsoft's upgrade path.

By the way, I already see this pattern repeating with Internet Explorer. Most website today are tuned to work best with IE. If you tend to access the web with browsers other than IE, you will find websites that do not render properly or refuse you access altogether. I wonder how long it will be before the entire web is an IE-only experience, if only because that is the most convenient, and inexpensive, thing to do? I wonder how long after that it will be before I am forced to start paying for IE upgrades?

Please reject any settlement that does not require Microsoft to open its file formats and its API set (the two are joined at the hip). The settlement should require this of all current and future Microsoft products. Further, there should be external auditing and supervision to ensure that Microsoft complies with any such settlement.

Thank you for your attention.

Steve Sarette
1206 Rousseau Drive
Sunnyvale, CA 94087

MTC–00017776

From: Barron Richard J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:02pm
Subject: microsoft settlement

Microsoft abhors competition. They are bullies about it. That needs to change before we will see any improvement in the way their software works and in innovative new products that people enjoy using.

Regulate the heck out of them until their market share falls and other companies that aren't influenced by Gates/Balmer get some breathing room again. Their software isn't that great. If you had some other options you would see that.

The problem is that now they have so much money they can buy influence, stuff comment boxes like this one, and have the audacity to try to apologize by further increasing their market share in schools—one of the last bastions of hope for Apple computer. That makes about as much sense as ''punishing'' someone who took too many slices of pizza by making him take another slice!

Imagine the possibilities in computing if the competition weren't bought out, litigated away, or had their brain trusts stolen from under them by Microsoft. You might not have viruses, you might enjoy using your computer again, and you probably wouldn't be facing the prospects of ''renting'' your software through an on-line service for the sole sake of squeezing each last dime out of you to stuff the pockets of the richest man on earth.

Rich Barron
Cypress, Ca

MTC–00017777

From: sam@ziegler.org@inetgw
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement

I have two issues with the current Microsoft settlement:

1. Section III.E limits the disclosure of Commications Protocols to the entities described in Section III.I. This is insufficient. A provision must be made such that these Commications Protocols are fully documented and available to anyone. Specifically, the current wording excludes open source software projects.

2. A new provision regarding disclosure of file and filesystem formats should be added. By doing this, the barrier for entry for competing applications is lowered. This measure would not inhibit Microsoft's ability to innovate since the file format of an application is seperate from the features of the application. Additionally, disclosure filesystem formats would promote Operating System competition by reducing the cost of switching from one Operating System to another. Finally, this disclosure must also be available anyone. Specifically, open source software projects must be included.

TIA,
Sam Ziegler
Senior Software Engineer
Xpedion Design Systems
Address: 1825 Lincoln Ave
San Jose, CA
95125

MTC–00017778

From: Robert (038) Linda McGraw K4TAX
To: Microsoft ATR

Date: 1/23/02 2:05pm
Subject: Microsoft Settlement
I think this is a bad deal.
Bob McGraw
171 Grandview Dr.
Sparta, TN 38583

MTC–00017779

From: George and Edie Wallace
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Litigation
Edith Wallace
3428 Sorrel Lane
Huntingdon Valley, PA 19006
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The time has come for the Microsoft litigation to come to an end. I use Microsoft's products, and am quite satisfied with what the company has done for the consumer. Continuing the litigation will only impede Microsoft's ability to continue developing new products. I would much rather see Microsoft's resources put toward research and development rather than toward legal fees. Further, I think the government has more important issues to pursue, such as the Enron affair.

The settlement agreement will achieve the goal of ensuring no future antitrust violations occur. A technical review committee will monitor Microsoft. Complaints may be lodged with the committee, and the committee may assist with dispute resolution, if that is necessary. Additionally, Microsoft has agreed to disclose its code to its competitors, and to not enter into agreements with third parties to exclusively distribute or promote Windows. I do not see how continuing the lawsuit will do any more than what the settlement agreement will achieve.

I am hopeful the Court will approve this settlement agreement. Nothing will be gained by dragging this case on further. Thank you.

Sincerely,
Edith Wallace
cc: Senator Rick Santorum
CC:fin@mobilizationoffice.com@inetgw

MTC–00017780

From: John Long
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
John Clayton Long
Tallahassee, Florida

MTC–00017781

From: Nikolai Barov
To: Microsoft ATR
Date: 1/23/02 6:27am
Subject: Microsoft Settlement

According to what I have read about the proposed Microsoft settlement, I believe it will be mostly ineffective, amounting to just a slap on the wrist.

The most damaging thing Microsoft does is to ''embrace and extend'' other people's technologies, as happened with kerberos and Java, and to keep their own data protocols in a constant state of flux, so that only their applications can access the data.

Not only does this cause a great deal of frustration for the end-user, but it also confirms that Microsoft's products can't stand on their own merits, and need these dirty tactics in order to compete. Here's what I would find satisfactory:

The provisions within the settlement that address the opening up of protocols should be radically strengthened. And this information needs to be made available to any interested party, not just other big companies. An inquiry should be made about the extent to which the federal and state governments can limit the money they spend on information products relying on proprietary or unpublished protocols and data formats.

This should come as a package deal as part of the settlement.

Thank you,
Nick Barov
Chicago, IL

MTC–00017782

From: Robert (038) Linda McGraw K4TAX
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
Too many big companies, too much influence equals a bad deal for everyone.
Bob McGraw

MTC–00017783

From: paul pettus
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea.
Paul Pettus

MTC–00017784

From: A.W.
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement
The proposed MS settlment is in my opinion toothless and will further tie the success and growth of the entire field to the whims of one company.
Aaron. Woodard.

MTC–00017785

From: geels@cs.berkeley.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I would like to comment on the proposed settlement to the Microsoft Anti-trust settlemnt. Allowing Microsoft to pay its debt to society with its own software seems to artificially inflate the true penalty they pay and increases their market share in new fields. I agree with the arguments published by Microsoft's business competitors, Apple and RedHat, which propose that the schools should receive cash and buy their own (possibly non-Microsoft) software and hardware.
Dennis Geels
Dennis Geels
geels@cs.berkeley.edu

MTC–00017786

From: Carlos Gonzalez
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I am writing to express my disappointment with the proposed settlement against Microsoft, Inc. As a long-time software developer and computer user, it has been clear to me that Microsoft has been acting as a monopoly- I was pleased to see when the government came to this conclusion as well. However, the proposed settlement does not alleviate this problem, nor does it limit Microsoft from continuing much of the same monopolistic behavior it practices today.

I feel that any settlement needs to guarantee the ability of software developers to interface with the Microsoft operating system. Specifically, I was disappointed to read the definition of API being used in the settlement, as well as the limiting of what information Microsoft needs to publish about its operating system. There exist many loopholes that Microsoft could use to ensure that a third-party developer would not be able to bring their application to Windows due to incomplete documentation.

I also feel that any settlement needs to give an OEM free reign in terms of what software and operating system they place on their hardware. Again, loopholes exist in the settlement such that Microsoft could offer discounts to OEMs that ship their software exclusively. Also, licenses to developers seem to limit what they can work on to Windows-only software. There was also the well publicized case of the Microsoft Front Page license, which seemed to prohibit someone from working on a website that was critical of Microsoft.

Again, these issues will continue to exist if the proposed settlement is accepted. Please take the time to ensure that any settlement

will actually prevent Microsoft's anti-competitive practices and will allow the computer industry to flourish. All I am asking is that two factors be considered:

1.) Developers should be able to create software that works with Microsoft's operating systems. This means they must have access to necessary documentation and be permitted to create applications which compete with Microsoft's own.

2.) Companies and individuals should be given the right to choose non-Microsoft software if they want. Locking in an OEM or a developer or a user to Microsoft-only solutions will only serve to strengthen Microsoft's monopoly. Thank you for your time.

Carlos Gonzalez

MTC–00017787

From: David Prosper
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to add my voice to the growing number of people concerned with this case. I for one feel that Microsft has commited many illegal actions in the past and it continues to do so to this day. With the release of Windows XP Microsoft has demonstrated that the findings of fact in now way mean anything to them, and they continue to follow their tried-and-true predatory business practices. Another, even greater concern lies in the privacy-or lack of it-of their customers with their integration of Passport services directly into the OS. One student who recenty purchased a Windows XP laptop said to me, ''They're forcing me to get one of these Passports.'' The incessant reminders and nags on the desktop had driven him to point of relenting and signing up for a service that he neither wanted or needed. Is this good business?

At work I use Windows NT, but at home I use BeOS, an operating system produced by a company that no longer exists. Be Inc. was a victim of Microsoft's ''Bootloader'' restriction on OEMs. Companies such as Hitachi and Compaq were intersted in installing BeOS along with Windows in a dual-boot configuration, and such pre-installation would have had the potential to greatly expand the BeOS user base. However, after Microsoft heard of this they dispatched their legal team to each vendor that was going to offer the BeOS, and subsequently no vendor offered the BeOS (with the exception of Hitachi, who installed the BeOS but were obligated to not have a boot menu with a choice of the two operating systems, and who were fearful of even telling their customers that there was an alternative OS on their computers. Most of the customers booted into Windows without ever knowing there was an alternative). As a consequence Be Inc. bled money throughout the 90's and vainly tried to refocus their efforts in the last year on Internet Appliances before being bought out by Palm Inc..

Microsoft is an arrogant and dangerous force not only in this country but around the world. Their predatory business practices must be checked for the good of the computer industry, the economy, and society as a whole. This cannot be achived with a mere slap on the wrist but with a settlement or judgement that has real teeth. The settlement proposed by the nine states refusing to go with the original settlement looks very interesting...

Sincerely,
David Prosper
Victim of Microsoft

MTC–00017788

From: Jon Bondy
To: Microsoft ATR
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement

I've written software professionally all of my life. I remember when Microsoft did not exist. In my opinion, Microsoft's practices have been predatory and unfair for decades. The settlement reached by the government with MS neither punishes MS enough nor does it provide safeguards that similar problems will not occur in the future. With MS products crashing all around us (MS servers and the new MS Windows XP are full of bugs), MS should NOT be given any advantage in the marketplace. There is a sense in which our national security depends on reliable software, and MS is not providing it. The settlement should be much more harsh, and should include specific oversight functions to ensure compliance. MS should NOT be trusted to comply.

Jon Bondy
Fletcher, Vermont

MTC–00017789

From: Duvel, Cynthia Y.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement—Just Say No!

As a member of the computing community at large, I have to say I cannot agree with this settlement. It leaves too much power in the hands of Microsoft, and still leaves them with the leeway to continue to crush any other program that happens to get in their way. I believe in healthy competition, not the wanton destruction of companies that just might happen to have something that isn't Windows-friendly. As an avid Netscape user, I have frequently known microsoft products and microsoft sponsored websites to crash my system if I'm using Netscape, and the PFJ completely fails to prohibit intentional incompatibilities historically used by Microsoft. That's just one many of my complaints against Microsoft in general, but having been a web programmer in the past, it's one of my more vocal objections.

Please do not allow this to pass. Microsoft needs far more restrictions placed upon it before I will even begin to think that it has ceased to attempt to crush the rest of the computing world. Like the Bell monopoly, MS needs to be taken down, or eventually there will be nothing else left. And once there is no more competition, MS would no longer need to attempt to improve their product, leaving the public with a substandard product (which is what I consider it currently to be), and no way to improve.

C.Y.D. Shelby
Engineer III
BAE Systems
Burke, VA

MTC–00017790

From: Sarah H Brown
To: Microsoft ATR
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement

I think the proposed Microsoft Settlement is a bad idea.

Sincerely,
Sarah Brown

MTC–00017791

From: Jones, Philip B. (LNG)
To: 'microsoft.atr@usdoj.gov'
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does nothing to punish MS for bad past behaviour and does too little, too late to effect change going forward.

Phil Jones
Senior Software Engineer Science Direct
1–800–227–9597 x8774 phil.jones@lexis-nexis.com

A witty saying proves nothing—Voltaire

MTC–00017792

From: Eric Nichols
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement

To whom it may concern:

I recently found out that the DOJ is considering opinions from the public regarding the Microsoft anti-trust case. I have reviewed the documents related to the case. Frankly, I was shocked and dismayed by what I read. I have identified numerous serious concerns which MUST be addressed before any final settlement can take place.

To me, it appears as if the US Department of Justice has allowed Microsoft to write it's own settlement. I find it difficult to believe that any judge or laywer who knows anything at all about the computer software industry could have agreed to these terms. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business''. Not only does this wording blatantly leave room for abuse of the Microsoft monopoly, but it even goes so far as to place Microsoft in charge of deciding who is an authentic/viable business. This is comparable to letting a fox guard the hen house. This is never a good thing, it will always come back to bite you somewhere down the road... just look at what happened with Enron.

''The overall result is that the proposed settlement, which (make no mistake about it) would grant Microsoft its operating system monopoly, contains, statements which say that it would no longer be illegal for Microsoft to maintain its monopoly, while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice.''1

Thank you for taking the time to read my opinion,

Sincerely,
Eric Nichols
Marlbough, MA
Programmer/Analyst
Raybeam Solutions, Inc,
http://www.raybeam.com
1 Dennis Powell—LinuxPlanet.com

MTC–00017793

From: Nathan Cohick
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:07pm
Subject: Microsoft settlement

Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. The judge in the case ruled that: ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

This should be changed in the PFJ so that Microsoft cannot use this against the non-Microsoft users.

Thank you,
Nathan Cohick,
Design Engineer
Advanced Bionics
California, USA

MTC–00017794

From: mate@sci.brooklyn.cuny.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement
Wed Jan 23 01:23:50 PM EST 2002
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The settlement as it is currently negotiated has no teeth in it, and it will not restrain Microsoft's abuse of its monopoly power. Microsoft's abuse of its monopoly are still continuing. A recent example is the transfer of Silicon Graphics Inc.'s key 3D patents to Microsoft; see

http://www.theregister.co.uk/content/54/23708.html Silicon Graphics used to be in the forefront of producing graphics software; the movie industry is still very much dependent on Silicon Graphics software. The destruction of Silicon Graphics is connected with the tenure as chief executive officer of Richard Belluzzo, when Silicon Graphics was trying to move its software from a Unix environment to a Microsoft environment. Since then Richard Belluzzo moved to Microsoft Corp., where he became president and chief operating officer. The background to this move would be well worth investigating by the Justice Department. On Richard Belluzzo, see http://www.microsoft.com/presspass/exec/belluzzo/default.asp In any case, the free world, meaning the world outside Microsoft, is terrified that the patents that were handled responsibly by Silicon Graphics, might be used to corner the computer workstation and computer game markets.

I am a Linux user, and I have been using Unix or Linux for over 15 years. I prefer Linux to Microsoft software for practical, and not ideological reasons. There is a lot of valuable software that is available under Linux but not under Microsoft. This software may not have the wide market appeal of Microsoft software, but it is indispensable for technically oriented users.

If Microsoft is able to retain its monopoly position, it is likely to do everything in its power to suppress Linux and other free software, and this would be a great loss to technically oriented users. For this reason, the Microsoft settlement needs to be renegotiated, so that free software should have a chance to survive.

The main importance of free software is not that it is free; its importance is that it is written by expert programmers enthusiastic about contributing to the public good. This enthusiasm does not exist in programmers writing for a Microsoft platform. The Web site http://linuxtoday.com/ is a good one to follow concerning the alarm created in the free software community by Microsoft's predatory practices.

Sincerely yours,
Attila Mate
Professor of Mathematics
Brooklyn College of CUNY
USA Citizen
Home address:
77 West 15th Street, Apt. 5J
New York, NY 10011–6832
mate@sci.brooklyn.cuny.edu
http://www.sci.brooklyn.cuny.edu/mate/
Home phone: (212)929–0966

MTC–00017795

From: Brandon Booth
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

Hello

Everything I've read concerning the proposed settlement of the Microsoft anti-trust case leads me to believe it is badly flawed. I think this settement should be rejected and a stronger one put in place.

Sincerely,
Brandon Booth
Silver Spring
Maryland

''I don't see much sense in that,'' said Rabbit. ''No,'' said Pooh humbly, ''there isn't. But there was going to be when I began it. It's just that something happened to it along the way.''—Winnie the Pooh

MTC–00017796

From: Paul Hoehne
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Reasons to reject Microsoft settlement

There are many technical reasons why the Microsoft settlement should be rejected and are detailed very well by in http://www.kegel.com/remedy/letter.html. My reasons for objection are based on the prior behavior of the defendant.

Over the years Microsoft has shown that they intend to dominate the operating systems space on both the client and the server. They have shown from their prior behavior that will: Redefine terms to avoid compliance. If something doesn't fall under a strict interpretation of the terms of the settlement, then Microsoft will deem itself not bound to the settlement on that issue.

Add non-standard extensions to standard protocols. If the industry-standard protocol is extended with proprietary, secret additions, then it no longer operates with non-Microsoft products. Use highly restrictive licensing. If something violates the license of a software vendor or service provider then non-Microsoft products can be excluded.

Use legal channels as a delaying tactic. In an industry where dominance can be established in months, they can tie up an issue for years. Install intentionally incompatible software. Use a ''free'' addition to the operating system that will disable, alter, or break a feature used by a competing product.

Vapor-ware to prevent competing products from gaining market share. Microsoft has often promised software in order to prevent customers from adopting software from competitors, and delivered late or not at all. Even re-engineer their products. They can make programs that are not traditionally part of operating systems an integral part of Windows, thereby tying products to the OS.

All this they can do to avoid having to comply with conduct remedies. I have no faith that the Department of Justice will be able to enforce the remedies stipulated in the settlement.

It is sad to see the DOJ adopt a settlement that will be meaningless because it is unenforceable. It would be sad to see Microsoft continue to bully vendors,

constrain developers, and use their dominant position to drive competing products from the market. However, more than just ''sad'', this situation is dangerous. In an age where Microsoft products are constantly being battered by security concerns, it would seem that healthy competition in the Operating Systems space would be vital to ensure that if one OS is highly vulnerable consumers have other choices available. Finally, when Microsoft avoids compliance, the credibility of the DOJ will suffer. Any law functions if the probability of meaningful enforcement is high. The defendant will avoid compliance and their behavior will diminish the effectiveness of anti-trust laws in general.

Please do more to ensure that the US software industry is not subject to the whims of the defendant. Please re-work to the settlement to provide some real effective relief against Microsoft. Please ensure that the software industry in the US is open for innovation and not dominated by a single player who can use numerous tactics to drive competitors from the marketplace.

Paul Hoehne
Manager,
T4 Consulting Group
phoehne@t4cg.com

MTC–00017798

From: narrowhouse@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

I would like to go on record as opposing the current settlement with Microsoft. The settlement fails to provide substantial protections against the tactics that Microsoft has employed in the past to unfairly compete with other companies. Most specifically, though not exclusively, the settlement does not prevent Microsoft from offering discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

Mr. Stephen Wilson
Hamilton, Ohio 45015
Independent

MTC–00017799

From: brian@cali.ixlabs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

This settlement is a BAD idea.

MTC–00017800

From: Steve Frank
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: No to Microsoft settlement

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Allowing one large company to control the internet and software made available to the masses will mean that development will be in the direction of what is good for that one company. With a diverse market, many more needs will be met and new ideas will abound.

Steve Frank
Salt Lake City, UT

MTC–00017801

From: Mike Thompson
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

To Whom it May Concern:

I object to the proposed settlement between the DoJ and Mirosoft. It does not sufficiently punish Microsoft and it does too little to keep them from continuing to use their monopoly to stifle fair competition. At a minimum, Microsoft should be required to publish and maintain full specifications for their application file formats, including Word, Excel and Powerpoint. These file formats form a major part of the Applications Barrier to Entry.

Michael Thompson

MTC–00017802

From: Sean J. Vaughan
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

The proposed anittrust settlement will not change Microsoft's behavior and will not be good for consumers or the software industry. I am a software professional with a Computer Engineering degree from the University of Washington. As a student, I interned with Microsoft. I've worked for an Internet startup and did some consulting work with Microsoft. I currently work at the University of Washington as a lead of a Software Engineering group.

If the success of a company is to be measured by the rate of increase to shareholder value then Microsoft is the most successful company in civilization's history. They have achieved this *because* their highest and possibly only motivation is to increase shareholder value. In software, you get tremendous value when you have a wide base of code and are able to integrate your code in elegant ways. For example, in a web browser, you need (at least) a networking stack and a reasonable Graphical User Interface as a software foundation before you can proceed. The problem is that it is almost invariably cheaper for an operating system company (Microsoft) to own the software foundations then license this technology from another company. If the operating system company does not have some sort of monopoly on distribution this situation isn't necessarily a problem.

The problem arises because Microsoft controls the distribution channels. The cost to consumers in terms of time and money of getting software that doesn't come with the computers they buy is high. In any new software market where Microsoft has a competitor, the only thing they need to do in order to take control and destroy the market is to put the software into their operating system. They then get to reap the future benefits of integration without the cost of competition.

This hinders competition because if a competing software company has software that becomes popular then sooner or later Microsoft will choose to enter the market. After Microsoft enters the market, the only way for a company to provide shareholder value is to sell the company to Microsoft or move into a different market.

The proposed settlement does very little to change this system.

Good Luck!
—Sean

MTC–00017803

From: Todd Marzolf
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

To Whom it may Concern,

I would like to add my voice to those in adamant opposition to the proposed Microsoft Settlement. As a student with a Bachelor's degree in Computer Science and about to complete a Master's Degree in Information Systems it is painfully clear to me the extent to which Microsoft has abused the public trust with its monopoly power. Please, for the sake of us all, reject this proposal in favor of a much stronger remedy.

Today's information based society is particularly hard hit by Microsoft's crimes. The most cursory review of my day finds several obvious examples of the price that we all must pay for Microsoft's monopoly. For example; websites often display properly only under Microsoft Internet Explorer because they were created with Microsoft tools. My email accounts are regularly bombarded with spam from the latest Microsoft Outlook virus because there is no program which compete on the Microsoft platform despite Outlook's many security vulnerabilities and weaknesses. Cross platform collaboration with my peers at school is nearly impossible because Microsoft Office continues to incomparable file formats in order to lock in its customer base. When I recommend to my friends and family that they buy a prebuilt computer from a major hardware vendor I must explain that it can only be bought bundled with Microsoft Windows. These problems exist, not because of a lack of consumer demand for a solution, or lack of a willingness to pay, but because Microsoft does not allow it.

The proposed settlement does not come close to recouping the illegal gains which Microsoft has made off American consumers much less come close to penalizing Microsoft for the illegal abuses. While it is doubtful that the true losses can ever be recovered from Microsoft any settlement The beginnings of a fair settlement should include the preeminent opening of all Windows and Office API's and file formats as well as a large cash payment to open source programming efforts which compete with Microsoft products. In this way Microsoft's ill gotten gains can be used for the public good.

Sincerely,
Todd Marzolf

MTC–00017804

From: Naglich, Don
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

The ''solution'' is anything but a solution.

Russell Pavlicek said it best: ''It is like the court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.''

Worse, Section III(J)(2) contains some very strong language against not-for-profit companies. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft (italics are mine) for certifying the authenticity and viability of its business, ...'' This will kill SAMBA and other Open Source projects that use Microsoft calls. This is the only real competition to Microsoft, and they know it. How can the government protect the interests of the consumer and business users by giving Microsoft the right to set the criteria for what constitutes a business?

THIS IS MADNESS.

I, and others, implore you to rethink this setlement. At the very least, Micorsoft should be broken up. Let the Office Suite company compete and the Operating Systems company compete in the real world.

Donald Naglich

MTC–00017805

From: Donald King
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

In my opinion as a citizen of these United States, the proposed settlement in the case of United States vs. Microsoft Corporation is not acceptable. Microsoft Corp. has an established history of violating the spirit (and occasionally the letter) of prior legal judgments. The proposed settlement leaves too many openings for Microsoft Corp. to maintain their monopoly power. In particular, the proposed settlement does little to correct the current situation with regard to the predatory pricing of Microsoft products.

Microsoft should be prohibited from using its Non-Disclosure Agreements (NDAs) with Original Equipment Manufacturers (OEMs) and corporate end users to enable it to price its software in a predatory manner. Specifically, Microsoft should be required to publish all contracts and licensing agreements which it enters to provide Microsoft software, and Microsoft should be prohibited from using any criteria except the number of licenses purchased to change the price of its software to a customer. The free market cannot be restored so long as Microsoft uses predatory pricing to lock OEMs and corporate end users in.

Donald King, http://chronos.dyndns.org/

12:47pm up 87 days, 16:42, 2 users, load average: 0.23, 0.17, 0.11

MTC–00017806

From: Kurt Watson
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

Hello,

I wanted to voice my concern that the current settlement under discussion is entirely too lenient on Microsoft. It does not deprive them of the profits of their illegal behavior, it does not lessen the barrier to entry for small competitors and it does not restore or encourage competition in the operating system market.

I'd ask that the primary goal of the settlement be to rectify the current operating system market as quickly as possible, to bring more competition to bear on Microsoft. Please note that operating system should include any currently available operating system offering from Microsoft. I would recommend publishing the entirety of Windows XP, 2000 and CE source code, as well as all developmental code in Microsoft's possession, would most quickly level the playing field.

Thank you.

Kurt Watson
kertw@flash.net

MTC–00017807

From: Justin Scott
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement
Justin Scott
10514 Woodley Ave.
Granada Hills, CA 91344
jmscott42@earthlink.net
23 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I am writing regarding the proposed settlement of the Microsoft antitrust lawsuit. As a professional in the computing field, I must say that I find the current settlement unacceptable, as do a majority of my colleagues I have spoken to about the issue. The settlement does little to change Microsoft's future actions, and what few proposed remedies exist, tend to remedy situations that no longer exist (due to Microsoft's monopolistic actions).

This remedy does not penalize Microsoft for its past actions, and for all of the smaller competitors it has destroyednot out of having better products, but by leveraging its monopoly. Furthermore, the proposed settlement leaves many of the key provisions (opening of API's, which products fall under the settlement) up to Microsoft! This will allow them to simply continue their current actions, claiming that whatever they want to do is not covered by the settlement. Microsoft's actions have hurt, not helped, innovation in the computing field. At every turn, they have proved to be out for one goal only: the enlargement of Microsoft to control the entire industry. If another company proves competitive, they either buy them out, or destroy them by leveraging their monopoly (see: Netscape, the Caldera vs. Microsoft ruling, etc.) Microsoft must be kept under close government control and scrutiny until such a time that their monopolistic powers are diminished, and fair competition can once again rule the industry.

Until a remedy is proposed that gives competition back to the industry, consumers will be hurt. Fair market competition is the cornerstone of our economy, giving companies a chance to survive on the merits and value of their products. Consumers must be protected from future abuses. I ask that the current settlement be abandoned, in favor of a truly forward-thinking settlement that frees the industry of Microsoft's overbearing shadow.

I would propose that a fair remedy entail Microsoft being required to open up ALL proprietary file formats and structures to any competitor, of any size, specifically requesting them. As well, Microsoft should only be allowed to use its sizable collection of patents for defensive purposes, not as leverage to force companies to do Microsoft's bidding. Furthermore, Microsoft must be required to provide this information into the future, and it must extend to any products that Microsoft either has created, or will create.

Microsoft's monopoly is so widespread that only sweeping actions will make a difference. For example, no sizable competitors to Microsoft Word exist as Word is a closed format, so to be compatible, you must use Word. There are no sizable competitors to Windows as specific, proprietary knowledge is closely guarded. Microsoft makes use of ''secret'' API calls in their OS and software applications that no other developer can use. If these problems are removed, and everyone is put back on a fair playing field, competition will bloom.

Thank you for your time reading this.

Sincerely,

Justin Scott

MTC–00017808

From: Adam
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

Microsoft is a monopoly. There is nothing wrong with that. Microsoft is using that monopoly to strangle the rest of the computer industry. There is something wrong with that. I don't care about ''punishing'' Microsoft. I want to not have to think about Microsoft at all. Perhaps I should explain why.

I am a software professional. I program software for a living. I am passionate about my enterprise. I am also a patriot. I have a Degree in Computer Science from a small technical school on the Banks of the Hudson River, The United States Military Academy at West Point. I was commisioned into the Infatry and Served with the 25th Light Infantry Division in Hawaii. After my Army time, I returned to the civilan sector and began work as a programmer. My Army time not that far behind me, I was constantly reminded of things I could use my new skills to solve that would have helped in the military, everything froim planning for training to recording the army physical fitness test. But there was one reason why I wonld not have been able to do that.

Security. You see, I was working with Microsoft technology at the time. I was writing netwrok software for accessing an IBM based mainframe system. The clients were MS Windows machines. It became apparent that security went as far as the end of the OS/390 system. Once we were in the MS realm, we were on our own. The problem was, there was no access into the layers to ensure security. To summarize, building on a microsoft system, we were stuck with a single way to do things, and no options to do the things we needed to do.

The settlement must ensure one thing. That no one company, person, or organization have a strangle hold on an industry that is vital to insterstate commerce on so many levels. The internet was a product of the US govenrment. To turn control over to one Company would be comparable to opening Yosemite National Park to quarrying. Microsoft currently owns the client end of internet connectivity by owning both the Desktop Operating System of Choice, and the two primary Interet Client Applications, the Internet Explorer Web Browser and Outlook Email Client. This puts every other business that is dependant on those tow things, dependant on one company.

1) The settlemnent should provide for the splitting off of IE and Outlook from the main operating system.

2) The Mozilla Browser should be installed by default. Mozilla is available as Free/Open Source software and will not cost Microsoft anything to install. Mozilla shall be inspected by a government agency to ensure it complies with open standards.

3) The propoesd distribution of MS software to Schools shall be stopped. Any financial burden placed on MS should be in straight finacial terms, and not allows them to further their Monopoly.

4) MS will be required to include the Java Run Time from Sun or from IBM, or from another 3rd party with it's operating system. Java is the most powerful cross platform application framework, and this will allow people to devlop code that will not tie them to the Microsoft platform.

Very Respectfully,
Adam Young

MTC–00017809

From: Marvin Bellamy
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

Your handling of this case is horrible. You've won the case and because you're too lazy to finish the race, history's worst monopoly is going to walk with the weakest slap on the wrist you think you can get away with. Look at the damage they've done to the industry, legitimate smaller businesses, the software they've coerced/stolen, and make a firm stand! They should have been split up into 3 parts, *NOT* just two. And, you cowards have already backtracked out of that decision.

Grow a pair or go home.

MTC–00017810

From: Brian Kirkbride
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

To Whom it may concern:

I am strongly opposed to the current settlement agreement in the Microsoft anti-trust case. I am using this email to voice that opposition under the requirements of the Tunney Act. I strongly believe, as a member of the IT industry that deals with Microsoft products and the effect of their practices each day, that the most effective solution to this case and the underlying problem involves forcing Microsoft to extend the same development information to all companies as it currently does to it's internal application development teams.

Sincerly,
Brian Kirkbride
dj—hobbes@hotmail.com
703–568–6330

MTC–00017811

From: Jason Lee
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlement

I would like to voice my discontent and even alarm at the proposed settlement in the Microsoft anti-trust case. The proposed settlement does little to effectively end the strongarming of other by Microsoft. Their proposed settlement (with the States Attorneys General, I believe) of donating software ''for the children'' only goes to show the lack of regard they have for the process, and goes a long way toward revealing the corporate mentality of Microsoft: dominance at any cost. Their history is replete with examples of shulduggery (e.g., DR-DOS, exclusivity agreements with PC makers), their current actions show no signs of changing, and the proposed settlement does nothing but maintain the status quo. The terms are often vague, and rarely have enough teeth in them to affect an adequate solution to the problem. I would strongly urge, perhaps, a structural remedy, or, at the very least, a much stronger settlement that would offer MS fewer holes to slink through, as the consent decree proves they most certainly will, if given the chance. We have before us an historic opportunity to put to rest a huge market inequity. Let us stay the course and do this right. Return fair competition back to the computer industry, lest it spread to other markets (e.g., X-Box, WebTV, .Net/Passport/Wallet). Make Microsoft a number of Baby Bills. Make them play fair.

Thank you for your time.
jason lee

Sin is real, it doesn't feel. It always, only always, steals. Run to the cross
the only joy that's real

MTC–00017812

From: Andy Lawrence
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

Hello,

Please rethink your settlement with MS... Because of their prevalence in the market, they can force people to use only MS products for communication. Because they make the best products for using a fileformat (for instance a Microsoft Word document) which, while owned by them, is now a defacto standard for a lot of people. The problem is that Microsoft does NOT publish instructions on how to read those documents programatically, and therefore no one can complete effectively to make a competitive product.

Even in cases where they do use an freely available standard in their products, they tamper with the implementation of that standard in their products so that, once again, only their products will work with it (see Kerberos auth in Win2k, and the use of LDAP in their ActiveDirectory product). It is my understanding that they are going to now use XML (another freely available standard) in future office products for their fileformats, but that those formats will once again be modified slightly so that nothing but MS products can read/write them. There is nothing ''innovative'' about the results of this bending, other than as a way to lock in customers.

In short—asking for money from them (much less the idea of them *donating* software—which is free for them to duplicate—to schools) isnt going to change any behaviors. Requiring use of published standards (as written) and allowing one and all (NOT just commercial entities) to inter operate with their products fairly is the only way for a bahavior change and a healthier computing industry.

Thanks.
Andy Lawrence
MedVantx, Inc.
andy@medvantx.com

MTC–00017813

From: Dr. Dean Kohrs
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement grossly fails to either redress the actions committed by Microsoft in the past, or inhibit their ability to commit similar actions in the future. Furthermore, I believe this settlement is counter to the interests of the American public, deleterious to the American/Global economy, and inadequate given the findings of fact in the trial.

Microsoft has been found guilty of illegally causing injury, and sometimes the destruction, of other corporations. If a human being destroys another human being they are either placed in prison or given a death sentence. Why are corporations not treated the same? When the state gives corporations more rights and privileges then the people, the state ceases to server the people.

I am astonished that the proposed settlement does nothing to correct Microsoft's previous actions. There is not one provision to correct or redress their previous abuses. The proposed settlement only prohibits future repetition of those abuses. If a corporation can commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice.

Justice is breaking the company up. Justice is removing the Board of Directors responsible for these actions. Justice is opening up their API code. There are lots of possibilities, some great some small, but they must be just.

Dr. Dean Kohrs
809 Pine St.
Clearwater Fl 33756

MTC–00017814

From: sy0005@unt.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

To whom it may concern:

I find the proposed final judgment for the Microsoft antitrust case to be unsatisfactory. The PFJ would allow Microsoft to engage in clearly anticompetitive behaviors without violating the settlement. For example, there is nothing in the PFJ to prevent Microsoft from programing artificial incompatibilities that would make it difficult or impossible to run Microsoft applications on non-Windows operating systems that are able to run software that was written for Windows operating systems. This has already been done in the past by Microsoft in the mid 1990's with Windows 3.1. That case was taken to court and was ruled to be anticompetitive behavior. So the proposed settlement does not restrict out examples of anticompetitive behavior that have already been used by Microsoft in the past. This is one of many problems with the PFJ that I can see but for the sake of brevity I will leave you with the thought that it would be better to take the extra time now to make sure that your solution will accomplish it's goals than to regret a hasty and ineffective settlement in the future. I implore you to reconsider the settlement now before it is too late. Thank you for your time and patience.

Sincerely,
Shane Yeargan
Student
U of North Texas

MTC–00017815

From: Jeff Rankine
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I believe the Microsoft settlement as it currently stands is completely inadequate as far as a remedy is concerned. The must troubling aspect of the remedy for myself as a software engineer, is the number of loopholes in the language referring to open API's. Microsoft is not under obligation to reveal interfaces if that interface is related to security. Unfortunately this allows Microsoft itself to determine what is or isn't a security interface, e.g. is disk access security related? What if the file has permissions attached? I think Microsoft should be forced to open all API's for their system, with oversight related to true security interfaces.

—Jeff Rankine
Senior Developer

MTC–00017816

From: Stan Mulder
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

Dear DOJ,

Microsoft must sustain effective punishment for breaking the law. Not to do so would be wrong.

When laws do not apply to the most powerful, it makes me lose faith in my government.

Please do the right thing and impose an effective settlement that holds Microsoft accountable for its actions.

Sincerely,
Stan Mulder

MTC–00017817

From: Martin Moss
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

DOJ,

I am the President and Managing Partner of a small software company located in Chicago, IL. I am a vehement opponent of the proposed settlement with Microsoft Corporation. Microsoft abuses its size and monopoly power in every industry it touches; to the greatest extent within the desktop software and operating system markets. Their malicious, anti-competivite behavior destroys innovation within the market, and causes great risk (in the form of security problems with their operating system and network-based products) for their customers. Their corporate arrogance and ability to manipulate the complexity of this case to their advantage have already made a mockery of anti-trust enforcement in the US—more so if the case is settled in a way that does nothing to punish them for their misdeeds.

Sincerely,
Frederick Lowe
President, Managing Partner
Period Seven Communications, Inc.
Chicago √ Los Angeles

MTC–00017818

From: spot@draves.org@inetgw
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

the current settlement is too easy on microsoft. they should be forced to release their source code as free software, and pay a large fine, and be broken into two companies (one for OS, one for everything else).

MTC–00017819

From: Kevin Eye
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am an American citizen and would like to voice an opinion on the proposed settlement of the Microsoft anti-trust trial. I do bot believe the proposed settlement includes strong enough assurances that Microsoft will not continue to be the monopoly it has been found to be. Please consider this a vote against the proposed settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate. Microsoft has directly used its monopolies to repeatedly extend its domination into other markets. For example it used its monopoly of the operating system market to take over the web browser market. And it is currently attempting the same ''bundling'' techniques to try to dominate the ISP market with its MSN service, the digital media market with its Windows Media Player product, the instant messaging market with its Mircosoft Messenger product. To preserve the open market, and to promote high-quality, low-cost goods, strong actions must be taken against Microsoft to curtail the abuse of its monopoly, and eventually to reduce its market share to acceptable levels that once again allow healthy competition. I do not believe the proposed settlement adequately addresses these issues.

Thank you for your time,
Kevin Eye
Williamsville, NY

MTC–00017820

From: Michael D. Kersey
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am opposed to the settlement with Microsoft. Microsoft has displayed monopolistic business practices far longer than it is generally acknowledged. a story I am familiar with is a case in point:

Circa 1980, I knew a Rice University professor who, with with several other professors, had a company called ''Clear Lake Software''. They had written specialized software (numerical processing) for the Apple MacIntosh computer and were successfully selling it as a software package. Microsoft expressed an interest in buying the product and sent lawyers to ''negotiate'' with the professors. There was no negotiation: the lawyers offered them a fixed dollar amount for all rights to the software. When the professors, who wanted a better price, asked what would happen if they didn't sell, the lawyers told them that Microsoft would establish a team of programmers and duplicate the specialized software within a short period, eliminating Clear Lake Software's product niche from the marketplace. The professors accepted the Microsoft offer, needless to say.

If Microsoft acted this way with a company composed of a few Rice University professors, I cannot imagine how they would act against a more significant challenge in the marketplace. Microsoft must be dismantled.

Sincerely,
Michael D. Kersey

MTC–00017821

From: Tim Bray
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

My name is Tim Bray. I am founder and CEO of a software company named Antarcti.ca Systems Inc. I have been in the software business continuously since 1981 and have co-founded another comany, Open

Text Corporation, that is now publicly listed (Nasdaq:OTEX). I have contributed an open-source software module named ''Bonnie'' that is now a part of virtually every Linux distribution. Working under the auspices of the World Wide Web Consortium, I was one of the leaders in development of Extensible Markup Language (XML), now becoming a key internet standard, serving as co-editor of the specification of XML itself and one of its key supporting technologies. I currently serve as a member of the Web Corsortium's Technical Architecture Group, its architectural oversight committee for Web technologies as a whole.

I have read the full text of the original judgement in the MS case, the full text of the appeal judgement, and the full text of the proposed settlement.

I consider that the proposed settlement deficient in several respects. I limit comments to areas where my expertise and experience may lend them some standing:

1. The definitions of terms such as ''API'' and ''Middleware'' are insufficiently detailed and far-ranging and would allow the defendent considerable maneuvering room to mount legal defenses for continuing the behavior found illegal. Also it is troubling that the definition of ''Middleware'' is not particularly consistent with those in the original court's Findings of Fact.

2. The settlement's attempt to force Microsoft to open up its APIs seems very unlikely to bring a stop to the practices in this area that were found illegal. In particular —the requirement for disclosure is much to late in the product development cycle, effectively allowing Microsoft to continue to use secrecy and manipulation of APIs as an anticompetitive weapon in the software industry. —the limitations of the use to be made of the API disclosures are too far-reaching and it is hard to understand what benefit they convey to anyone. —the undocumented binary file formats used by many Microsoft applications are in effect part of the API but are not covered by the definitions

My decades of experience in the development and marketing of software products have led me to the opinion that the veiling and manipulation of APIs has been among the primary weapons used by Microsoft to extend their Windows monopoly into the domain of other unrelated software products. I would go so far as to predict that if this problem can be cleared up, market forces and the high level of creativity in the software business would probably suffice to bring a general halt to the illegal behavior without further court intervention.

3. There is reason for strong doubt whether the ''Technical Committee'' will prove effective as an enforcement vehicle. Problems include: —the requirement that members not have been employed by MS or a competitor to MS in the past year doesn't work. First, it is very difficult to work for a technology company that doesn't compete with Microsoft in some area. Second, the only way to acquire the necessary insight into the business is to have worked for MS or a competitor.

—The level of compensation is not specified—what motivation does the defendent have for providing a level of compensation necessary to attract people with the right qualifications? —the gag order on the TC members seems counter-productive. One of the most effective disincentives to continuing illegal behavior on the part of the defendent would be the threat of throwing the light of day on such practices.

Cheers, Tim Bray, Founder, Antarcti.ca Systems

+1–604–873–6100 (o) +1–604–785–8532 (m)

http://antarcti.ca http://map.net

MTC–00017822

From: Brent Dill
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

In my opinion, the Microsoft Antitrust settlement is greivously inadequate to redress Microsoft's demonstrated prior harm to the industry and economy, and does nothing to insure against further harm. Working in the IT field for the past 11 years, I have seen first-hand what Microsoft's artificial market dominance has wrought: poor quality of product, with no better choices ever coming to market, and those choices which already existed in the market have long since been driven out of business.

Microsoft now exists as the SOLE recourse for my industry, and it is woefully inadequate. A simple perusal of recent computer virus outbreaks demonstrates this—nearly every virus propogated in the past two years has done so as an exploit in Microsoft's operating systems and productivity tools. Worse, they are exploiting aspects of these tools that no reasonable piece of software should possess, and yet these softwares are not modified to remedy the threat.

Microsoft is willfully negligent in its duty, as a monopoly, to protect the consumers from the negative and inescapable effects of its decisions. If Microsoft is to have a 90% share of the computer desktop market, then Microsoft should be held 90% responsible for any problems that develop as a result of computer desktop software flaws. A proper injunction, at the very least, should allow peer or experct judicial review of Microsoft's production methods [i.e., their source code]. If Microsoft is allowed to continue their 90% stranglehold on the market, they should be forced to provide the market with a higher quality of service than the market would otherwise receive from competition.

Of course, the preferrable method would be to de-couple Microsoft's NT/XP kernel development from the rest of the corporation, allowing the resulting desktop/productivity development [the IE desktop/browser and the Office productivity suite] to be developed on multiple base operating system platforms. As both the Telephony industry and California's power grid have demonstrated, a government-regulated monopoly is seldom preferrable to a regulated free market.

MTC–00017823

From: ordorica@ieebc.org.mx@inetgw
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlement

To Department of Justice: (I Think)

The following text reflects my feeling and thinking about the MS antitrust trail

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Antonio Ordorica
IT Network Management
grayman@mail.com

MTC–00017824

From: Bill Biese
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

Leaving a Monopoly intact as this settlement proposes is a remedy in name only. Just because we are not talking about a tangible product like steel or petroleum, as in other historical antitrust cases, doesn't mean the DOJ should cave in and not demand the correct TRUST busting remedy that is best for the consumer.

Unbundle the Microsoft products and force Microsoft to offer them for sale separately and parts that have no competition sell that source code to highest bidders. For example force Microsoft to sell as an option a stripped down feature poor version of windows.

My monopoly cable company must offer me a cheaper 13 channel only option not forcing every consumer to buy their whole package. Thus the consumer can then shop around for functions they need from other software companies.

Unbundle the MS Office product also offering Word/ Excel/ Access etc separately saving the consumer the full spectrum cost.

And the source code for Word and the Base OS since they have no real competition should be sold as stated above.

Thanks,
Bill Biese
Systems Analyst/Programmer

bbiese@cmsins.com
1–920–497–1589 ext. 1207.

MTC–00017825

From: Todd Kofford
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to comment on the Microsoft Settlement. The settlement as proposed has more legal loopholes that Swiss cheese blasted with a shotgun. Microsoft has historically displayed an unwillingness to adhere to any court-ordered consent decree, or to try and twist the actual intention of the decree to their own benefit. In other words, the only law that Microsoft respects is the Microsoft corporate agenda and culture, which is ''win at all costs as long as it is good for Microsoft''. Their executives during the anti-trust trial showed great disrespect and disdain for the district court and many of them blatantly lied under oath. This all goes to show that Microsoft cannot be trusted to ''do the right thing'' when it comes to playing by the rules (i.e., the LAW). That is why I am writing this letter.

As a person who makes his living in the IT industry, I would LOVE to see some competition restored to the industry. Microsoft could easily compete on an even playing ground and the merits of the products they produce alone, but they simply will not. No consent decree or technology expert overlooking their actions will change this. A better solution must be found! It's kind of like the NBA Champion LA Lakers saying, ''OK, now we're the best! Next season we will start each game with a 25 point head start over our opponents, because we are the best and we can!''. Please think again before letting this settlement be finalized.

Competition MUST be restored to the IT industry and Microsoft cannot be trusted to change on their own. Thank you for your time.

Sincerely,
Todd Kofford
Todd Kofford
710 N Michigan Cir
Lawrence, KS 66044
tkofford@bigfoot.com

MTC–00017826

From: Milind Rao
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I think that this is a really bad idea. Microsoft has with its predatory practices hurt genuine competition. They virtually killed OS/2 and most application developers on Windows. Please ensure that this doesn't happen in the future.

Regards
Milind

MTC–00017827

From: James Jaworski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MICROSOFT IS GUILTY

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html)'' I also agree with the conclusion reached by the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems. I agree with Robert X. Cringely in his article ''He's Not in It for the Profit Steve Satchell for Microsoft Anti-Trust Compliance Committee!'' (on the web at http://www.pbs.org/cringely/pulpit/pulpit20011206.html)

...''I think he should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest. Sometimes there is a distinct advantage to being the first to apply for a job, so I think Satch should be a shoo-in for one of those compliance gigs. And the boy looks mighty fine in a uniform.

The job will be a challenge, that's for sure. The committee has the responsibility of settling small disputes and gathering the information needed to prosecute big ones. They are supposed to have access to ALL Microsoft source code, and their powers are sweeping. If it goes through, I only hope the court picks three tough but fair folks like Satch. ...''

James Jaworski
Instructional Lab Technician LRC-Instruction/Reference

MTC–00017828

From: Bryan Logan
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am against the settlement with Microsoft. They need to be fined and truly punished for all the other companies they've hurt. Break them up into separate companies and also require them to release information (API's, protocols, file formats) of current MS products so other companies have a chance in the market.

Thank you.

MTC–00017829

From: bob
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs,

The Problem:

Your proposed settlement with Microsoft does not address the problems for consumers and suppliers of IT products and services caused by Microsoft's illegal actions.

In fact your proposed settlement is little more than a description of the current business practices of Microsoft Corporation. Requiring Microsoft to publish the APIs to the Windows platform has been Microsoft's policy for many years. So it fails the test of whether Microsoft is being punished for its past illegal actions, and fails to control Microsoft from pursuing similar strategies in the future. Publishing APIs simply enables other software companies to build products that run on Microsoft products thereby making those products more successful in the marketplace.

The Solution:

There is only one remedy that will work to empower consumers of technology, to restrain Microsoft's anti-competitive behavior in future, and to protect Microsoft's ability to continue to compete in the market. That is to require Microsoft to publish the source code to their products that are deemed to be monopolies, specifically the family of Windows operating systems.

Microsoft can (and arguably should) retain full proprietary and exclusive rights to their software. Publishing the source code will allow others (including future department of Justice investigators) to inspect these products for evidence as to whether Microsoft has been using their absolute power over these products to extend their monopolies and reduce choice and raise prices to consumers.

The old saying ''power corrupts, and absolute power corrupts absolutely'' is applicable in Microsoft's case. They are the only ones who know what goes on inside, and have the exclusive ability to arbitrarily change products that own monopoly positions in the market such as Windows. They will use, and have used, this power to force consumers to behave in ways that benefit Microsoft corporation at the expense of consumers and other suppliers in the market. The only way to ensure they do not continue to behave this way in the future is to hold them accountable. The only way to make them accountable is to enable inspection of the code that has monopoly control over the PC market.

Please do not hesitate to contact me if you have any questions about this letter or the ideas it contains.

Sincerely,
Bob Young,
CEO, Lulu, Inc., (919) 833–5858, or bob@lulu.com, www.lulu.com

MTC–00017830

From: Kent Florian
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to take a moment to express my concern with the proposed settlement terms in the Microsoft antitrust case. As a

computer professional who has worked in the field for over fifteen years, I have been witness to Microsoft's abuses of its market position countless times. I have also seen the government attempt to put an end to Microsoft's unfair practices in the past, to no avail.

The current settlement agreement does nothing to address the harm that Microsoft has already caused in the marketplace, including companies that have folded due to uncompetitive practices and consumers that have been forced to pay for products that they are not using due to bundling agreements.

Microsoft has proven over and over again that they are not a good corporate citizen, that they are perfectly capable of finding ways around any minor restictions placed in their path, and that they have no interest in obeying both the letter and the spirit of the law. Now is the time to hold Microsoft accountable for their abuses, not to merely shake a finger at them and tell them that they have misbehaved. If the proposed settlement agreement is accepted as it now stands, it will do nothing but reinforce the fact that it is perfectly acceptable for a monopolistic corporation to implement any abuses it sees fit, and even if they are caught, the punishment will be so minor that it will be an acceptable tradeoff. This option is just plain wrong.

Thank you for your time,

Kent Florian

Director of Integration, Testing and Support

TekNow, Inc

Phoenix, AZ

kentf@teknow.com

MTC–00017831

From: Stephen Hooper
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

Microsoft is a monopoly. There is no doubt in my mind of that fact. It has not acted in the best interests of consumers. Again, I can say this with no doubt in my mind.

The problem I have is this:everyone (except Microsoft) seems to agree on these two statements, yet the court and the states seem to be willing to let Microsoft continue the practices that have allowed it to become a monopoly, and that have allowed it to squash any viable competition it has.

I am not a believer in retirbution. I don't think we should try to take revenge upon Microsoft for acting the way it did. What I do believe in, is letting other companies that would normally be crushed under Microsoft's weight have a chance to survive and bring their products to market.

For this reason, I believe that Microsoft must have stronger regulations set to keep it in line. I do not like it, but Microsoft controls ninety percent of the worlds desktops. Without stronger regulations than those proposed, Microsoft will still be free to stifle competition by using this power base, and cause a long period of declining technical accomplishment.

Microsoft does not invent anymore. It simply refines the labour of others, markets it as Microsoft's own, and undercuts the true pioneers of whatever field it chooses to enter.

This would not be so horrible, if Microsoft were just going to let others live and die by the process of natural selection present in all business dealings, but the fact that they purposefully try to murder competition (i.e. Netscape, WordPerfect, OS/2, RealPlayer), and leave consumers with no choice but to use Microsoft products, makes it abundantly clear to me that the government must step in and level the playing field.

For that reason, I believe that Microsoft should be forced in perpetuity to release to any one who wants it, information pertaining to file formats, protocols, or any API's it has, without any charge, and without any contractual obligations against using such information.

Microsoft has taken care of killing off companies that would have given us choice in the matter of which tool to use for which job. By doing so, I believe they have taken on the responsibility of assuring us, that any tools that we need will be able to seemlessly operate in the environment they have now created, without the need to buy into using Microsofts tools.

MTC–00017832

From: Brian DeRosa
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I just wanted to voice that I feel the current proposed settlement is not adequate and equates to insufficient penalty against Microsoft. Microsoft as a company has used anti-competitive practices to grow into a monopoly, and is, by witnessing the terms of the proposed settlement, using more of its power to avoid justice. Please add my voice to the count *against* the proposed settlement under the Tunney Act.

Thank you.

Brian DeRosa

DeRosa—Principal, Senior Consultant

The Net Squad—http://www.thenetsquad.com

Technology vision, strategy and development for net businesses

630.929.6607 voice & fax, derosa@thenetsquad.com

MTC–00017833

From: Jon Yarden
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

I OPPOSE the Microsoft settlement on the following grounds:

1. Microsoft has a long history of UNDERMINING COMPETITION by either ''buying up'' and shelving competing products, or by threats of restriction of Windows licenses to PC manufacturers who use competative products.

2. Microsoft has poured extensive money into false and misleading lobbying campaigns, including the use of DEAD PEOPLE as signatories in lobbying campaigns.

3. Microsoft willfully and purposefully distorted and misled the Justice Department in regards to the rulings of Judge Jackson in the 1990's and DELAYED final ruling until Netscape Communications and other Internet pioneers were destroyed by Microsofts marketing and bundling tactics.

I personally find the behavior of Microsoft and it's chief officers appalling and DEMAND that my goverment act in the interests of it's CITIZENS and pushing Microsoft for it's arrogant, willful and purposeful monopolistic behavior. BREAK MICROSOFT UP!

Jonathan Yarden, Senior System Administrator, BluegrassNet

BluegrassNet

520 South Fourth Street

Suite 400

Louisville, KY 40204

502–589–4638

MTC–00017834

From: C. Vance Shannon
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Greetings,

I am absolutely appalled at the continuing attack against Microsoft. It's disturbing that competitors airing false charges against Microsoft receive favorable treatment from the press and from many members of the United States Congress. It's even more disturbing that several states are continuing with their phone lawsuits against Microsoft.

Microsoft has revolutionized the computer business. They have made it possible for the average citizen of this country, as well as multitudes around the world, to readily gain access to computers and the world-wide network that computers offer. I'm recall the days of ''DOS'' and it's complexities, along with the difficulties of simply wandering around the computer world. Without Microsoft's contributions, the average citizen would never have become so computer literate; nor would we all enjoy the benefits of lower computer hardware and softward prices.

It's time to call a halt to the attack on one of America's most successful businesses. There are many more issues of concern for the Department of Justice; and likewise state prosecutors. The on-going attack on Microsoft from private and governmental representatives is not only hurting Microsoft, but also hampering our country's economic recovery!

Hopefully, the U.S. Department of Justice will bring an end to the frivolous Microsoft lawsuits, issue firm punishment for any wrong-doings actually committed by Microsoft, and let the company resume their efforts of bringing wondorous products to the American people and others around the globe.

Sincerely,

C. Vance Shannon,

1290 San Pablo Ct

Minden, Nevada

775–267–9394

CC:aoctp@aoctp.org@inetgw

MTC–00017835

From: chris
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To Whom it May Concern,

I wish to object to the proposed final settlement in the Microsoft Antitrust case, under the Tunney Act. While there are many points that merit reformation in the proposed final judgment, one that i find particularly odious is the definitions of several terms upon which information sharing will be based. specifically, defining ''Microsoft Middleware'' as a handful of existing products rather than a generic category of software leaves open the possibility of simple renaming as an evasive manoever that would be within the letter but hardly the spirit of the law.

I am extremely glad the DOJ is tackling this issue, but I think the proposed settlement needs much revision before becoming the final word on the matter.

Thank you for your attention and ongoing vigilance.

Chris Mccraw,
2500 S York St #302
Denver, CO 80210

MTC–00017836

From: Brandon Pearce
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: To whom it may concern,

To whom it may concern,

I am quite concerned with the proposed settlement of the Antitrust case against Microsoft. After reaching the point having an established monopoly engaging in established anti-competitive practices, it seems that the proposed settlement fails to significantly curtail Microsoft's behaviors. It seems that there are many significant technical loopholes that will allow Microsoft to continue many of the practices that have led to the current situation.

For example,

1. The proposed settlement fails to require Microsoft to provide advance notice regarding technical information, while requiring middleware vendors to meet ''reasonable technical requirements'' seven months before new releases of Windows. How are the middleware vendors supposed to meet these requirements?

2. Many APIs would not be properly documented, as they would not meet the overly narrow definition of API in the proposed settlement.

3. The restrictions of use of the information of the APIs create unacceptable burden on ISVs developing for multiple operating systems.

4. The formats of Microsoft Office documents remain undocumented—this is probably one of the single largest barrier to entry for a competing operating systems and for Office competitors.

The list of problems with this settlement are extensive, and disturbing. If changes are not made to this settlment, it does not seem that there will be a significant change in the behavior of Microsoft.

Thank you for your time,
Brandon Pearce

MTC–00017837

From: Jimmy Rimmer
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement offer is awful.

Microsoft has built a massive Great Wall of Control around the software industry, and they guard the portcullis. To all who would pass through, these bandits put forth the following edict: No Innovation Shall Pass That Is Not Microsoft's. And all who pass through must pay a fee to the gang who runs it. The settlement offer maintains this Great Wall of Control. The settlement offer ensures that Microsoft alone decides what technology the people will be allowed to use. The settlement offer ensures that the software industry in America is not free.

The leader of the people of the land made a stand against the bandits, and defeated it—yet rather than destroy the Great Wall of Control, assuring freedom and prosperity for his citizens, will he now offer a truce to these bandits? These thieves? These self-appointed censors of ideas? More is at stake here than the jobs of American citizens. America's ability to compete with the rest of the world in software is at stake; because if we do not allow our own citizens to innovate, some other country will. And such steps are clearly beginning in Europe and Japan.

This settlement harms industry. This settlement harms individuals. This settlement harms America. We have already lost so many good ideas due to the Microsoft Bandits; how many more can we afford to lose?

James B. Rimmer
San Diego, California

MTC–00017838

From: Rob Alwood
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial.

I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Robert Alwood
Richmond, Virginia

MTC–00017839

From: Abraham Ingersoll
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a sham. The proposed settlement does very little to make up for the wrongs Microsoft has committed in the past and will very probably be ineffective in fighting their abusive tendancies in the future.

Thank you.
Abraham Ingersoll
P.O. Box 384
Venice, CA 90294–0384
310–450–7930

MTC–00017840

From: Bear Lehenbauer
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

MS practices seek to hurt the company I currently work for. From sending out marketing materials to our clients that contain both false and ''misleading'' statements, to coding MS products to stop working with our products (DR-DOS, the NetWare Client, to name two), Microsoft attempts to crush us through devious means.

Now that MS has been found to have acquired and misused ''Monopoly Power'', shouldn't they suffer the penalty under law that other monopolies have been subject to? With the current settlement, we're essentially patting Microsoft on the back and ''forcing'' them to expand their market share in the educational arena. The settlement is weak. It's almost conspicuously set in their favor. The settlement must reduce them somehow from continuing as a monopoly.

Thanks,
Bear Lehenbauer
System Test—Net Directory
(801) 861–4657
Novell, Inc., the leading provider of Net services software. www.novell.com

MTC–00017841

From: Patrick Bowman
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement for the Microsoft anti-trust case. It is not punishment, but merely a requirement that the company halt doing what it has been doing in the past. I have little doubt that, if an opportunity presents itself, Microsoft will find a loophole that allows it to continue with actions that are harmful to consumers, against the spirit of the settlement and anti-trust law, but sufficiently close to the letter of this settlement that it will be able, once again, to spend years in court while it ''cuts off the air supply'' to yet another market. It ultimately doesn't change anything about the marketplace and will not help consumers.

Thank you,
Patrick A. Bowman

MTC–00017842

From: Formanek, Chris

To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: microsoft settlement

Why should the public like this settlement? It does not change a single thing about how Microsoft will run their business and the consumers will be the ones to pay the price. Every time we have to go and spend $200—$250 for a OS that is full of bugs and problems because there is no choice of OS's for us, we lose.

Here is a perfect example of why this settlement needs to be stiffer. I checked out the price for windows 98 and after over 2 yr. on the market it is still the same price as when it came out. Why is that, who does MS have to worry about concerning pricing. No one. They have bled every company out that could or would compete with them for years, it is time too stop this and allow for other company's to do their own thing and provide the consumers a choice in products at a fair price.

Chris Formanek

MTC–00017843

From: Peter Szulik
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Peter L Szulik

MTC–00017844

From: Mike Owens
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to state that I think the proposed settlement is fundamentally flawed in that it does not adequately address the behaviors and practices of Microsoft that led to it being found guilty of being an illegal monopoly.

Thank you.
Mike Owens
mike.owens@state.nm.us

MTC–00017845

From: Michael S. Tashbook
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To whom it may concern:

This letter is in response to the proposed settlement in the Microsoft antritrust case. Please add this message to the collection of comments on this settlement, as covered under the Tunney Act.

As a citizen of the United States and a computer scientist (I am currently pursuing my doctorate at the University of Virginia), I strongly object to the proposed sanctions on Microsoft for its anticompetitive behaviors. They do not go nearly far enough in punishing Microsoft for its actions, and they completely ignore one of the main ways in which Microsoft used its power as an operating system vendor to unfairly gain an advantage in the application market. Even more disturbing is the fact that these proposed remedies have opened a significant loophole that Microsoft is already preparing to exploit to the fullest. To wit, section III(J) of the proposed settlement states, in part, that: ''No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.'' In other words, Microsoft has no obligation to release their APIs to third parties. To a large extent, Microsoft was able to obtain its current anticompetitive position in the marketplace as a result of this behavior (keeping APIs secret). It should be obvious that Microsoft's in-house application developers had a significant advantage over third-party developers,due in no small part to the fact that the former had access to, and employed, undocumented API calls. If I have information that you do not, it should come as no surprise that my software will outperform yours. Requiring Microsoft to release all of its APIs to the developer community would provide everyone with equal footing, and would be a step towards correcting the current competitive imbalance.

The section quoted above should also be of concern in light of the recently-publicized memo from Bill Gates to the employees of Microsoft. In his memo, Mr. Gates stated that Microsoft would begin to place a much higher priority on security measures in their products. This is a laudable goal (especially after the continuing saga of worms and viruses propagated by Microsoft's Outlook mail client), but it also provides an easy escape hatch for Microsoft. If Microsoft declares that the security of all of its code would be harmed by publishing API documentation (which is not inconceivable), then, under section III(J), they may keep all of their API documentation to themselves, perpetuating the circumstances (undocumented APIs) that produced the current situation.

The proposed settlement does not go far enough; in particular, it allows Microsoft to continue their monopolistic, anti-competitive behavior. For these reasons, I strongly object to the proposed settlement.

Sincerely,
Michael S. Tashbook
mst2f@cs.virginia.edu

MTC–00017846

From: Caldwell, Jack
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

Hi,

I believe that this proposed settlement is a bad idea for the Technology segment, in particular, those involved with computer operating systems, or any industry segment that competes with Microsoft. Evidence has clearly shown that MS will participate in activities that maintain their monopoly by stifling competition. This settlement is a disgrace to our country and its justice system.

Jack Caldwell

MTC–00017847

From: peter allen
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I oppose any settlement which is not structured so that all developers will have equal access to the underlying system. Splitting Microsoft in to two parts is a minimal way to create a situation in which the interface to the operating system will be consistently available to all.

Peter Allen

MTC–00017848

From: Jay A. St. Pierre
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlment

I would like to express my opinion that the proposed settlement does nothing to either punish Microsoft for their transgressions, nor prevent them from doing so again.

The fundamental problem with Microsoft is that they sell the dominant desktop operating system AND the applications that run on top of it. The only way to create a even playing field for competitors is to expose the interface between the applications and the operating system. This would truly allow for competition among applications AND among operating systems, as competitors could create either applications or operating systems that met the published standard.

In any event, just telling Microsoft that they were bad and they must not do it again is in no way going to either punish Microsoft, nor prevent a recurrance of their behavior.

-Jay St. Pierre

MTC–00017849

From: namebase@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I recommend the wholesale rejection of the proposed terms of settlement, and the imposition of a structural remedy. I've been using Microsoft products since 1982 in various nonprofit, public-interest, computer-related projects. My experience is that Microsoft completely ignored the public interest with respect to their versions of DOS. With the advent of Windows, Microsoft has worked with renewed energy against the public interest, in favor of maximizing its private profit.

With DOS, through version 3.3 as late as 1990, Microsoft failed to include adequate hard-disk petitioning software, failed to include memory-optimization software, and failed to include full-screen navigation software. Third parties provided this software, which ran on top of DOS. Microsoft soon realized that third-party software was able to provide a better computing experience. Rather than compete with a better product, Microsoft began moving in the direction of disallowing such software. A case in point was the DR DOS situation.

Then with the advent of Windows, Microsoft began offering competing versions of all popular desktop applications. These included spread sheets, word processors, accounting programs, and database programs. Windows was much more exclusionary in terms of the ability of third-party software houses to compete with Microsoft products. Microsoft essentially controlled the interface (the API, or Application Programming Interface) to Windows, and could use this as a club to insure that competing products were inferior, or even nearly impossible to develop.

The Internet was first recognized by Microsoft as a significant development only in 1995. Microsoft then moved in on Netscape with their own knock-off browser, in order to insure that Netscape would be unable to evolve their own APIs for the Internet. According to my logs, Netscape now has about ten pecent of the browser market, while Microsoft has 85 percent. It was the other way around just about four or five years ago. Microsoft has proven again and again that they have nothing but contempt for the public interest. A structural remedy is the only remedy that will address this attitude at the level that it needs to be addressed.

Regards,
Daniel Brandt,
PIR founder and president
Public Information Research, PO Box 680635, San Antonio TX 78268–0635
Tel:210–509–3160 Fax:210–509–3161
Nonprofit publisher of NameBase
http://www.namebase.org/
namebase@satx.rr.com

MTC–00017850

From: E THEJUDGE
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: MICROSOFT SETTLEMENT

January 8, 2001
8671 Clarance Center Road
Clarence Center, NY 14032
Judge;

Thank you for taking the time to review this note. I write in opposition to the proposed deal that the department of justice has completed with Microsoft. The agreement seems to me to be flawed in many, many ways ? including the fact that Microsoft is hardly penalized at all for many years of predatory behavior. This cannot be a good signal for other potential monopolists. I would ask that you ensure that this glaring weakness is addressed.

Thank you.
Katherine Johnson

MTC–00017851

From: hulcher1@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlment

I would like to voice my opinion that the proposed settlement for the Microsoft antitrust trial does not go nearly far enough in correcting the abuses committed by Microsoft. In fact, I think that it would only serve to encourage future similar behaviour by allowing Microsoft to keep gains that dwarf any ''penalty'' imposed. I also find it very disconcerting that a proposed penalty would have very possible effect of assisting Microsoft against competitors in new areas. Thank you for your work in helping to ensure that large companies cannot use their weight in illegal ways to crush smaller competitors.

Sincerely,
Stephen R. Hulcher
hulcher1@home.com

MTC–00017852

From: Jeremy Radlow
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

The proposed Final Judgement (PFJ) is not in the public interest because it is crucial that Microsoft's document formats (such as the format of Microsoft Office documents) be open and unencumbered by patents, enabling others to freely create competing software which operates on documents in those formats. The PFJ would allow Microsoft to keep its document formats secret and to protect them with patents, creating an enormous Barrier to Entry for competing applications.

Sincerely,
Jeremy Radlow
96 Cedar Street
Bangor, Maine 04401

MTC–00017853

From: Jim Hines
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To whom it may concern,

I am a computer professional and have been so for 13 years. I am totally against the settlement that has been proposed by the DOJ and feel it is nothing more than a slap on the hand to Microsoft. Please do not let Microsoft get away with this crap settlement! They must pay for their actions or they will keep doing them over and over again.

Thanks,
Jim Hines
IT Mgr, WDTV NewsChannel 5
Your Hometown News
TEL:304.848.5000
FAX:304.842.7501jhines@wdtv.com
<http://www.wdtv.com>
<jhines@wdtv.com>
WDTV NewsChannel 5 is a CBS Affiliate

MTC–00017854

From: Nicholas Robbins
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I feel that the settlement against Microsoft is horrendously flawed. It does not really solve anything, it only allows Microsoft to continue with unlawful practices. Everyone is hurt by a Monopoly, take me, for instance. I don't like to use Windows, I down right despise it. I still have it installed. I have to. Nothing is released on my operating system of choice. I can do almost everything I need to, but there are those few applications that I cannot use, after all, why would someone release a niche application for an OS with only %2 desktop share? So, here I am, booting into Windows for my one application, that was $300 not very well spent. Although it does allow me to remember what a crashing computer looks like. So now the real problem. I utterly fail to understand how our legal system can allow this to occur. I was brought up believing that our legal system is the greatest in the world, how no other system is as just as the mighty U.S.. I personally don't care if the trial takes another 3 years, so long as the right thing is done.

Nicholas Robbins

MTC–00017855

From: Nitin Borwankar
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement is bad for competition in marketplace

To USDOJ,

I sincerely feel that the proposed settlement with Microsoft is not good for long term competition in the software marketplace as it a) does not effectively address past anti-competitive behavior in its proposed form, essentially allowing it to continue b) additionally promotes Microsoft market expansion in segments that currently have effective competition i.e. the education segment essentially further promoting Microsoft dominance in the marketplace.

Any remedy for criminal behavior needs also to address return of the profits due to criminal activity. While it will be difficult to calculate this amount accurately, OS monopoly leverages all of Microsofts profits so a substantial fraction of current Microsoft cash reserves e.g. 10–20 billion should not be considered excessive.

Taxes levied on cigarettes are used to promote anti-smoking advertisements. Similarly this money should go to directly strengthen market influence of competitive forces via such means as a) Informational advertisement about the negative effects of Microsoft's monopolistic behavior b) Strong support of Open Source efforts by direct grants to such projects as a. The worldwide

Linux community b. The Apache foundation c. Project JXTA d. The Wine project c) Promotion of alternative Office suites such as Hancom Office and Star Office d) Grants to overseas organizations that promote the use of computers in education, specifically to enable the use of Linux in schools, colleges and universities in the Third World.

Nitin Borwankar,
President and CEO
Borwankar Research Inc.
nitin@borwankar.com
510–872–7066
CC:nitin@borwankar.com@inetgw

MTC–00017856

From: andy@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Don't do it! This corporation forced me to buy a license for their software, even though I did not want it and do not use it. (Laptop: when I notified the manufacturer that I did not accept the End User License Argreement, I was told my only option was to return the hardware.) This kind of market domination and coercion of consumers will not be rectified by the Settlement as it stands. Please reconsider.

Yours,
* James (Andy) Stroble, Ph.D.
* Honolulu, HI *
* http://www2.hawaii.edu/?stroble/ *

''I have long feared that my sins would return to visit me, and the cost is more than I can bear.''

The Patriot

MTC–00017857

From: Vic Parekh
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is a bad idea. Microsoft's activities, which have been ruled illegal, have led to a decrease in competition. The field of Operating Systems has suffered. Systems like BeOS have not had a fair chance of succeeding. I am a US Citizen, and therefore please consider my comments when making your decision.

Thanks,
Vic Parekh
1616 N Fuller Ave Apt 230
Los Angeles, CA 90046
Vic Parekh √√ vic@vicparekh.com √√ 213–944–2340

Hello, I am a leading provider of repurposed leading-edge vortals(c) and orchestrating bleeding-edge relationships(c). I also allow you to click(c) and shop(c) on the Internet(c). If you would like some more information(c), please visit vicparekh.com(c) and buy(c) something today. Thank You(c)

MTC–00017858

From: David Graser
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

You present settlement is a joke. If this is creating an even playing field, then I am alien from Mars.

There is no competition. Microsoft dictates whatever price they want to sell their operating systems for. The upgrades are continually overpriced and usually create more problems than they solve. If OEM's do anything that displeases Microsoft, they are threatened with some strong arm tactics. How is this possible? No competition, no threat! If others had access to secret or poorly documented Win32 API's, others could port these API's to other operating systems enabling these systems to execute Windows programs. Thus, one would not need Windows to operate a Windows programs and this would give others an opportunity to check out and use possibly a better operating system. Show you are an American and want good honest competition. Don't accept the settlement as it is right now.

Regards,
David Graser
Port Neches, TX
Chemical Plant Operator

MTC–00017859

From: Jack and Joan Crawford
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft settlement

Dear Mr Ashcroft,

Attached is a letter asking to stop further action against Microsoft.

Jack Crawford
CC: fin@mobilizationoffice.com@inetgw
@—++—P-yd
15239 Barrett Road
Mount Vernon, Washington 98273
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I feel the settlement reached in November is reasonable, and I strongly favor an end to litigation against Microsoft.

This settlement contains provisions that will make it easier for companies to compete with Microsoft. Microsoft has pledged to share more information with other companies and create more opportunities for them. This settlement will allow Microsoft the opportunity to finally devote 100% of their resources to doing what they do best—designing innovative software, rather than litigation.

I sincerely hope there will be no further action against Microsoft at the federal level. Thank you for your attention to this matter.

Sincerely,
Jack Crawford

MTC–00017860

From: Melissa Heischberg
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writting in response to the Proposed Microsoft Settlement, in accordance with the Tunney Act on public commentary. I am strongly opposed to the settlement of the Microsoft Antitrust Trial in its current form. This provisions of this settlement do not adequately restrict Microsoft from future misbehavior, nor does the settlement provide sufficient penalty for the profit and marketshare that Microsoft has gained in the past by use of the anti-competative practices for which they were brought to trial. Specifically, as a software developer myself, I find that the articles concerning middleware development and the release of applicable documentation to middleware developers do not outline what I would cosider to be reasonable timetables and restrictions to allow competing middleware developers to create and test software that is designed for compatability with Micosoft Operating Systems. Also, I am extremely concerned by the apparent lack of penalty being imposed on Microsoft for their past abusive business practices. I strongly feel that this settlement lacks an aspect of justice. While the court's desire to negotiate a settlement is laudable, I feel that the current proposal does disservice to those menbers of the american public who daily use, or develope for, Microsoft products.

Sincerely,
Melissa M. Heischberg
Software Developer
Crystal Lake, IL

MTC–00017861

From: DC
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Preface:

The US Constitution makes it very clear that copyrights are not an inherent right, but merely a short term incentive designed to bring information into the public domain after a limited monopoly on copying is granted to the makers of a creative work.

Suggested Punishment:

It should be self evident that Microsoft has violated this trust, and as punishment the government should no longer be required to enforce their copyright holdings on the Windows NT/95,98 operating systems, Internet Explorer, and possibly MS Word.

This would be a very simple, but fair and effective punishment that would be self enforcing, require no oversight, and would provide intense motivation for this to never happen again.

Sincerely,
David Christy
dc@linuxonlocation.com

MTC–00017862

From: Furnish, Trever G
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

I wish to state for the record that I believe the existing Microsoft settlement proposal is inadequate in its remedies against Microsoft, and that I share in the sentiments listed in Dan Kegel's comments, which can be found on the following web page:

http://www.kegel.com/remedy/letter.html

Trever Furnish, tgfurnish at herff-jones.com, 317.329.3397 x3519
Unix Administrator, Herff-Jones, Inc.

MTC–00017863

From: shirkbt
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I don't have much time in between classes and trying to keep up with life in general, but this is basically in line with my beliefs about the Microsoft settlement.

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Brian Shirk
2730 Braithwood rd
Atlanta, GA 30345

MTC–00017864

From: Ben Johnson
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

Greetings!

I'm an independent software developer, and I'm concerned that the proposed remedies for the unlawful and unethical actions of Microsoft will no be enough to put the computing filed back on a level playing field. Microsoft has systematically destroyed any competition to it's desktop dominance—and has hurt my customers due to the lack of a viable alternative due to their illegal actions. Please be a bit stronger in the defense of us consumers and those hurt by Microsoft. Thanks for your time. Pease feel free to contact me at any time, and for any reason.

Yours,
Ben Johnson
5025 156th Ave SE
Bellevue, WA 98006–3629
425 785 0802

MTC–00017865

From: Robt. Miller
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: MicroSoft Settlement

Whatever you do, don't let MicroSoft settle, don't let them ''pay'' with software liscences. Make them pay cash or pay for competing operating systems. Thank you.

MTC–00017866

From: Jason E Seegert
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

Having been a user of micro-computers for well over 12 years, and having been acquainted with many different operating systems, web browsers, and other various software packages, I would officially like to submit my comments on the Microsoft Anti-Trust Settlement. As excerpted from the Court of Appeals Ruling ''a remedies decree in an antitrust case must seek to ''unfetter a market from anti competitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).''

Many in the public realm, including the Attorney General seem to agree that any settlement must seek to remedy the anti-competitive situation which has gone on for far too long with the Microsoft Corporation. I happen to fully agree with this statement, yet I have some reservations about the Proposed Final Judgement which has been presented the public for comment.

First, much of the wording (incl. definitions and provisions) in the Proposed Final Judgement is misleading to consumers, and in certain cases is overly narrow. This provides many loopholes by which Microsoft can, and will work around in order to maintain and strengthen further their monopoly. Secondly, the PFJ does not attempt to remedy the anti-competitive licence terms which Microsoft currently includes with it's software. By not providing an restrictions on anti-competitive licence terms which prohibit the entry of open-source applications for Windows, and which do not allowed Windows applications to be run on open-source operating systems. Third, many of the requirements of the PFJ will not restore competition to the included software markets. This issue deals with the requirements of releasing the APIs to other vendors so that competing products could not enter the market in time to compete with Microsoft's counterparts (i.e. Internet Explorer, Office, Media Player, etc.). Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

For the reasons outlined above, I strongly believe that new, stronger, and yes....even HARSH language needs to be drafted to truly make this PFJ meet the requirements outlined by the Court of Appeals. Many of the states involved in the settlement have proposed some more harsh pentalties, and many of them are not only viable, but desirable in order to return competition to the market. It is my sincere hope that Microsoft will not be allowed to wield its largesse and power over the DOJ. We need to send a strong message to Microsoft to let them know, that we as consumers and business do not agree with their practices, and that we feel they should be punished severely for it.

Most Sincerely,
Jason E Seegert

MTC–00017867

From: Matthew Rees
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I strongly urge you to reject the proposed settlement between Microsoft and the Department of Justice. I agree with every word of dissent outlined in Dan Kegel's letter (http://www.kegel.com/remedy/letter.html) though I could not myself so thoroughly document the many problems associated with the proposed settlement.

Thank you for your attention.
Sincerely,
Matthew C. Rees
15 Greenbrier Road
Greenville, RI 02828

MTC–00017868

From: Naglich, Don
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

Th settlement is a horrible idea. It hurts all consumers and business users. It will kill Apple and the Open source movement

MTC–00017869

From: Gautam Golwala
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

The proposed settlement between Microsoft and the DOJ is a very bad idea. The lack of penalty for past misdeeds by Microsoft is going to make it look like they are getting away without paying a price. In the eyes of the common person, this just looks like the ability of a big corporation being able to buy its way out of trouble with the help of money and political connections. Please do not let the common person lose faith in the justice system.

Thank you,
Sincerely,
Gautam Golwala

MTC–00017870

From: Rory Stark
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I have followed the Microsoft anti-trust case closely. I was pleased to see the Justice Department and Microsoft come to a settlement. My reading of the settlement indicates that it does in fact address the actual abuses upheld by the appellate court. As a consumer I feel well served by the settlement.

I strongly encourage you to uphold the settlement and put an end to at least this part of the litigation.

Randall Stark
8411 NE 20th Street
Clyde Hill, WA 98004

MTC–00017871

From: Ness, Zoltan
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Settlement. It is not a true penalty for Microsoft. Giving away software that costs Microsoft little beyond distribution, yet is counted at full price, reduces the penalty to literally a penny or less per dollar. Each copy costs less than one dollar to distribute, but claimed worth is hundreds of dollars for some of the software.

It also serves to further Microsoft's monopoly into an industry (education) which has traditionally had a healthy, competitive mix of personal computer alternatives (Apple, for example).

Rather than a having to live with the legal consequences of it's anticompetitive behavior, Microsoft would be given a less than token penalty AND given a DOJ mandated reason to extend it's monopoly into one of the few remaining strongholds of desktop OS competition.

Thank you for your consideration,
Zoltan Ness

MTC–00017872

From: Jim Martin
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

I have given this a lot of thought and I feel that your proposed settlement does NOT go far enough to protect citizens from monopoly abuse by Microsoft.

It it is common saying among Independent Software Vendors that developing for the Microsoft market is like ''picking up dimes in front of a steamroller''—you can make some money for a while, but if you try to pick up too many coins, Microsoft will flatten you.

I am VP of product development of a software product company that is a current Microsoft Partner (so please keep my identity confidential if possible), I was once a Microsoft Certified Solutions Developer, and I am fairly seasoned in the software dev business having written and sold commercial business software applications for over 18 years for Mainframe, DOS, Mac and all flavors of Windows—3x,9x NT,2000. XP. I sat in a meeting in Redmond in 1998 where Bill Gates stated he believed it was his goal for Microsoft to someday own virtually the entire software marketplace in the US, vertically and horizontally. At that point every other software vendor would be just a custom integrator of Microsoft licensed components. (I signed a Non-disclosure before the meeting but I assume that talking to the DOJ concerning possible crimes is a protected exception).

I dont think you will be able to successfully monitor and enforce on-going compliance by Microsoft, nor do I favor splitting off the Operating Systems group in to a separate company.

I propose that you break up Microsoft into multiple fully competiting ''Babysoft'' companies who start out with the all current Microsoft products. Consumers would instantly have something they dont have now— choice (as well as compatiblity with their existing apps). Each ''Babysoft'' would then need to work hard to innovate and compete with the other ''Babysofts'' on price and features in order to prosper.

Thanks for your time.
Jim Martin
President, Inquisite.

MTC–00017873

From: Nick Betcher
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

Dear DOJ

I believe that from everything I've read, heard, and seen that Microsoft winning this one will send innovative companies, people, and ideas down the drain. There is no excuse for a monopoly, and this is the worst of them all. I only say as much as I do because I speak the true facts and no bloat. This is real, we have one chance, so lets not blow it.

Nick Betcher

MTC–00017874

From: Paul Sumedinger
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Strong remedies are required to mitigate the strong findings of fault upheld by the courts.

Simple remedies are likely to appear as a political buyout. Enough damage has been set upon users though corporate neglect. The security problems resulting from the products forced upon users by unfair licensing agreements is world laughable.

Many years ago AT&T and IBM were required to submit to strong remedies. No less remedy should be prescribed in this settlement.

Paul Sumedinger
PO Box 208
Towner, ND 58788

MTC–00017875

From: matt@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

Under the Tunney Act, I want to add my voice to those who affirm that the settlement in the Microsoft case is woefully inadequate. The settlement will not create an environment that will prevent Microsoft from using their monopoly to stifle competition in the future, as they clearly have in the past. Unless the Microsoft applications are constrained to work under the same conditions as non-Microsoft apps (that is, by only using publicly documented APIs to the Windows (NT, XP, CE, and future OSs), Microsoft will have an unfair advantage. The most maintainable solution would be to break MS up into two companies, an OS company and an Apps company—that would ensure a level playing field.

If that is not going to be the solution, it will take on-going Federal vigilance to make sure Microsoft is not succumbing to the temptation to use the inherit advantages of making both the roads (OS) and most of the vehicles (Apps) that use the roads to its advantage, and prevent other companies from building vehicles that work as well or better than MS's.

Sincerely,
Matt Morse

MTC–00017876

From: billa@mx.lsn.net@inetgw
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

The proposed MS settlement is not only a bad idea, but will not have ANY effect on the behavior that it is attempting to stop. Please let the PEOPLE of the world have a choice. The Tunney Act is providing a way for folks like myself to speak out about this issue. Listen to the people.

William Alewine
Systems Administrator
Grande Communications
San Marcos, Texas

MTC–00017877

From: Jonathan Dick
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

As a user of computer software, I strongly oppose the proposed settlement between the DOJ and Microsoft. The settlement prohibits many objectionable practices by Microsoft, but defines many of these so narrowly that it will be easy for Microsoft to obey the letter of the settlement while consciously violating its spirit.

In the past, Microsoft has shown itself to be incapable of voluntarily following court-imposed settlements. Thus, a special master must be appointed to oversee and enforce Microsoft's compliance with any proposed settlement.

Thank you for your consideration in this matter,

Jonathan Dick, PhD
Fresno Pacific University
Division of Natural Science
1717 S. Chestnut Ave.
Fresno, CA 93702
jpdick@fresno.edu
ph 559.453.2095
fax 559.453.2007

MTC–00017878

From: Wes Henry
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

Hello:

I have read about the proposed settlement in the Microsoft anti-trust case, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

I do not feel the proposed settlement adequately prevents Microsoft from utilizing its monopoly status in unfair and illegal ways in the future, nor does it adequately address the gains Microsoft has received by abusing is monopoly status in the past.

Without appropriate penalties for its previous behavior, Microsoft will not be discouraged from acting similarly in the future. Likewise, without appropriate measures taken to prevent continuing

monopolistic behavior, Microsoft will not be prevented from acting similarly in the future.

So, in effect, nothing changes, and the proposed settlement amounts to nothing more than a slap on the wrist to Microsoft. The damages Microsoft has caused to the software industry, the computer industry as a whole, and to everyone and every business who uses computers in some fashion in their daily activities is incalculable.

For example: Microsoft Windows and Microsoft Outlook are the two primary weaknesses in the spread of computer viruses. It is estimated that costs of recovering from and dealing with two viruses: Nimda and Code Red just in the last year were nearly $1 billion.

That is a very significant burden to the US and even the world economy. And represents only two of the tens of thousands of viruses that affect Microsoft Windows and Microsoft Outlook.

But it doesn't even begin to estimate the losses caused by the monopolistic destruction or assimilation of companies like Netscape and countless others who developed competitive software to Microsoft products. Innovation is what fuels the US technology marketplace and Microsoft acts counter to innovation in the marketplace. In fact Microsoft has never created an innovative product in its entire existence. Instead it simply copies the products and/or features of its competitors and then uses its monopoly powers to ram its products down the throats of consumers and drive its competition out of the marketplace.

Choice is the power consumers must have in order to keep innovation alive. Without choice, without the freedom to choose the products they want, consumers are trapped in the Microsoft monopoly.

I ask you to abandon the currently proposed settlement and think about what it is that would return the marketplace to a fair and competitive state now, and in the future.

Specifically I would like to recommend:

(1) Microsoft be split into (at least) three separate and completely independent corporations: Operating Systems / Applications / Other Products

(2) Microsoft be forced to open up the COMPLETE source code to all windows versions, with a process for review such that industry experts can inform the DOJ when they find omissions or errors in the source code released by Microsoft and have these issues resolved by the DOJ through forced compliance and additional fines for each infraction such as errors or omissions in the source code released.

(3) Microsoft be forced to release the specifications for all file formats used by Microsoft products and be prevented from using file formats which are not openly documented for a period of at least 10 years (or a period corresponding to the time Microsoft has been a monopoly, whichever is longer.)

(4) Individual policy makers within the company should be held accountable for further monopolistic actions. Hiding behind a corporate veil makes it easy for the administration to direct Microsoft to further abuse their monopoly. But being held personally responsible for directing the company or its employees to act against the law would go further than any penalties faced by the corporation as a whole towards curtailing further abuse of the Microsoft monopoly.

A new and more fair settlement also needs to address the damages caused by Microsoft to its competitors and to its customers. Specifically, I would like to recommend:

(1) Severe fines for abuse of its monopoly position

(2) Settlement fines paid to companies like Netscape, Sun, and others who have been unfairly damaged by Microsoft in the past Microsoft has proven themselves to be abusers of their monopoly position. And they've shown over and over again their eagerness to act unfairly or unethically in an effort to strengthen their monopoly even further. Only the strongest of actions.can even have a hope of restoring the marketplace to a fair and competitive environment. Only the strongest of actions can even start to undo the wrongs caused by the monopolistic abuses of Microsoft.

Sincerely,
Weston Henry
1535 27th Ave. S, #201
Fargo, ND 58103
CC:wes@puah.org@inetgw

MTC–00017879

From: Joe Fish
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

Dear Sir / Madam:

Regarding the subject settlement, please be advised that there a large number of voting citizens who consider the settlement as currently proposed to be wholly unpalatable, and that, if it is implemented, we plan to express our displeasure with our votes in the rapidly approaching congressional elections.

As one employed in the IT field, I have seen the way in which the unlawful, anti-competitive nature of Microsoft's business practices have harmed nearly everyone in the community in some way, from individual consumers of electronics products, up to the behemoth-sized companies that directly compete with Microsoft for some markets (Sun, IBM, AOL-Time Warner, etc.) Unfortunately, any settlement you propose comes too late to the party. Individuals have lost jobs, products have disappeared from consumer's lists of choices while the lawyers in Washington have wrangled. As this is unquestionably the case, you at the DOJ have the responsbility to at least ATTEMPT to ensure that Microsoft will not be allowed to use the same unlawful business practices on anyone they deem unfit to make profits in the IT business.

The settlement as currently structured does, in my view, little to nothing to curtail Microsoft's previous behavior, except possibly as it relates to competing Internet Browsing technologies, of which there are now none, thanks to Microsoft. While I feel that the IDEA of a 3-person panel dedicated to reviewing Microsoft actions is a good one, they need a much broader charter of powers and clearer definition of their ability to implement corrective measures than I was able to discern from the proposed settlement agreement. In my view, the terms, details, and especially EXCEPTIONS listed in the agreement appear to have been drafted by Microsoft's bevy of lawyers, working closely in concert with Waggoner-Edstrom and the host of other various and sundry marketeers, PR flacks, and other unscrupulous characters charged with ensuring Microsoft's continued march towards domination of all consumer spending decisions in the developed world.

Please consider the revision of this proposed agreement to be more in line with what many industry insiders consider to be a fairer solution, as detailed on this page.

Thank you for your time and attention.

Joe Fish (jfish@dctkc.com)
DataCapture Technologies Inc.
510 Southwest Boulevard
Kansas City, KS 66103
http://www.dctkc.com
P: 913.831.7226 F: 913.831.7233

MTC–00017880

From: Steve Rapaport
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea, we will all regret it when mediocre microsoft products rule our lives.

Steve Rapaport
CTO, A-Tono Inc.
http://www.a-tono.com/

MTC–00017881

From: twitchy wonderpig
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement based solely on settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Eric Byrd
Edmonds, WA

MTC–00017882

From: Jason Crist
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

This settlement is a bad idea, and will have negative effects to the development of technology.

I would appreciate your help as would so many in this world.

Jason Crist

MTC–00017883

From: Leo Hejza
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

The settlement currently proposed in the Microsoft case does not restore competition in the computer industry, will not prevent Microsoft from continuing its illegal practices, and is not in the public interest. It should be rejected and replaced with a plan that will accomplish these objectives.

One such plan is the following: divide Microsoft into six companies. Three of the companies have full rights to Microsoft's operating system intellectual property and three of the companies have full rights to Microsoft's application intellectual property. The three operating system companies will have no choice but to compete with each other on price, capabilities, and innovation; similarly, the three application companies will have to compete. None will have a monopoly in their respective areas.

This plan is no more radical than the ATT breakup and such a plan is the only solution to the current situation with Microsoft.

Leo A. Hejza
CC:Leo.Hejza@Sun.COM@inetgw

MTC–00017884

From: marilyn@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

This is a Tunney Act response to the proposed Microsoft settlement: The proposed settlement apparently will extend Microsoft's monopoly since as part of the settlement they will have the opportunity to place their products in schools. If fountain pen dealers had a lawful opportunity to place their products in schools for the use of students and no other commercial entity had a similar opportunity, we would find that nearly all school children would continue to use fountain pens in adulthood, and pencil and ball-point pen manufacturers and sellers would suffer. It will be nearly impossible under this settlement for students to gain knowledge of operating systems and software other than that produced by Microsoft. Few students will bring their computers running other systems into class.

Microsoft has been judged to be a monopoly but the proposed settlement only aggravates and extends their monopoly position. A much better settlement will require that Microsoft give cash payments, not products, to schools so that each school can purchase a variety of hardware and software. This way the students will be exposed to other operating systems such as UNIX, Linux, MacOS, and the applications that run on those systems. In addition this more open settlement will allow schools the freedom to use settlement funds to try other systems which may come along in the next few years.

I will be happy to answer any questions about this response. Please contact me by email.

Very truly yours,
Marilyn W. Sweet
6540 Bradley Boulevard
Bethesda MD 20817

MTC–00017885

From: Markus Lamminm(00E4)ki
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea!

Markus

MTC–00017886

From: The Real Bev
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I am strongly opposed to this settlement. In view of the chilling effect that Microsoft's predatory practices have had on the entire PC software development community, which in turn unduly limits, for all practical purposes, the software to which the general public has access, it is wholly inadequate.

Sincerely,
Beverly Ashley
Pasadena, California

MTC–00017887

From: Ben Conner
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: settlement comments

Gentlemen,

Having been in the computer field for over 30 years, I have watched with interest as Microsoft has gained their current market position. Never have I seen a more classic case of abuse of monopoly position. I spend a good deal of my time helping clients clean up messes left by Microsoft applications that break or ignore standards set by the industry. After several versions of released code, one can only draw the conclusion that it is their intent to cause this. It can't be explained away by ignorance or stupidity on their part. Given that this arrogance is part of their corporate culture, assigning a few ''code cops'' is going to be as effective as having a handful of auditors to look over returns at the IRS.

They have already proven they can't be trusted—what makes you think keeping them intact will improve their policies? If you believe this is speculation, take the acid test—try and order a PC without Microsoft products on it from any major manufacturer. It isn't possible. And under your new guidelines, nothing will change.

If you haven't noticed yet, do you know how Microsoft says ''Screw You!''?

''Trust Me!''
+ Ben Conner
+ Web World, Inc.
+ PO Box 6548–107 +
+ Orange, Ca 92863 +
ben@webworldinc.com +
(888) 206–6486 voice +

MTC–00017888

From: Richard Congdon
To: Microsoft ATR
Date: 1/23/02 2:27pm
Subject: Microsoft Settlement

I would like to express my dissatisfaction with the Proposed Final Judgement (PJF) currently before your division vis-a-vis Microsoft(MS). I don't know ifs it is relevant, but I want to give a brief essay on why this would unjust. Unlike some others you will be hearing from, I am no MS-hater. They usually produce software of equal or superior quality to their competitors, and for that they should be commended. More than that, if they do produce a superior products, I think that they should dominate the market. That is, as long as this superiority is not achieved by secret knowledge and manipulation of the underlying infrastructure. While monopolies such as MS enjoys with it's various Windows OS's can sometimes be (and in this case is) beneficial, they should be treated as such. In order to allow for the possibility of innovation in non-OS software, MS must be compelled to reveal —all— of the particulars on how MS OS's work. Otherwise, it is virtually impossible for MS competitors to compete, simply because MS not only holds all the cards, but is also the one with the card printing press.

This problem would have been solved if Judge Jackson's breakup had occured. Since there will be no breakup, I dearly hope that the Justice Department will come to some sort of agreement that restrains MS's behavior, and also provides real penalties for non-conformance.

Richard Congdon
Harvard School of Public Health
617/432–0995

MTC–00017889

From: Ross Rannells
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

Over the past 12 years Microsoft has done everything it could both legally and illegally to control the desktop computer market. They have stolen software from companies, used their monopolist position to put companies out of business and eliminate competative software. They have used the courts to put companies out of business that have won court cases against them.

They have significantly stiffled development of new software and hardware. They have even managed to bankrupt a company by declaring they were developing a competitive product that they never released, which is why there is no longer a light pen interface in DOS/Windows even though they were on the market in the early 1990.

The only software product to increase over time in the entire computer industry are those produced by Microsoft. Every other company, whether they produce hardware or software, managed to increase performance while dropping prices. Today Windows takes longer to boot, is less stable and the root cause for every maor computer virus outbreak since 1990. Microsoft complete disreguard for thier clients and computer security has lead to a state of complete

paranoia over computer system security. Microsoft has managed to ignore the cries for more secure and more stable Operating Systems and system level software du to their monopolist position in the market. Currently the US leads the world in computer technology, that will not continue if Microsoft is allowed to keep in its monopolist position in the computer industry. The US has already fallen behind in wireless web and cell phone technology due to Microsoft's influence over new development eviroments. In many European and Asian contries the development of Linux and other OS's is starting. Sooner or later someone will hit on the right combination of price, features and stability. Then the US will be topled off the top position in the computer industry.

Microsoft must be dealt with now. They need severe penalties and limitation put on their ability to control the computer market. Forcing them to divest of their hardware production division, their game consul devision, their communications holding, and they putting a wall between the OS and other software development divisions will go along way to reinvigerating the computer industry in the United States. Additionally, making them publish the prices the OEM's pay for the OS and other software as well as eliminating the restrictions on OEM distributing other OSes would also be needed. Over the past couple years we've seen Be, NeXT and IBM eliminated from the desktop OS market even though they had superior products and were less expensive. Microsoft's exclusive agreements with OEM that limited the OEM capability to sell other systems made it impossible for the other companies to have a chance.

Microsoft was found guilty of monopolist practices and that conviction was unanamously upheld by an appeals court. Why are you allowing Microsoft to dictate the terms of the settlement. Their powers need to be limited and their abuses eliminated. If not the US will no longer be able to control the computer industry.

Ross Rannells
Computer Technology Professor
Purdue University

MTC–00017890

From: Lawrence Kestenbaum
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Proposed Final Judgment
To: Department of Justice Re: Micosoft
Proposed Final Judgment

The Proposed Final Judgment is deeply flawed and should NOT be put into effect as it stands. In my opinion, it allows too many exclusionary practices to continue, and does not reduce barriers to entry. In general, I agree with the analysis posted online at http://www.kegel.com/remedy/remedy2.html and I support the amendments he proposes.

Lawrence Kestenbaum
Attorney
Owner, PoliticalGraveyard.com web site
Washtenaw County Commissioner
(mentioned as identification only; the County has not taken a position on this)
Lawrence Kestenbaum,
polygon@potifos.com
Mailing address: P.O. Box 2563, Ann Arbor MI 48106

MTC–00017891

From: Shawn Gatchell
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the settlement that the USDOJ and Microsoft have arranged. I do not believe that it prevents Microsoft from continuing to exhibit the behaviors that have supported its monopoly thus far, including bundling with its OS software that can be clearly defined as belonging to another market (Internet browsing, instant messaging, and audio/video players are among these applications). I advocate a provision that at least allows competitors'' applications to receive equal visibility wherever Microsoft tries to extend its OS into other markets. It is the responsibility of a monopolist in one market to acknowledge market boundaries, rather than blur them. I am a software developer for a small company, and I am afraid of a time in the future when Microsoft bundles with their OS software for building Internet portals. I even refuse to disclose the identity of my employer in this letter for fear that Microsoft's aggressive retaliatory tactics may affect our sales and my future.

It is also inherently flawed that Microsoft's partners must pursue legal action if Microsoft discontinues a partner's contract due to the partner giving a Microsoft competitor presence on the OS that Microsoft considers undesirable. The reality is that it costs money to pursue legal action, which has a stifling effect on such action when Microsoft has such deep pockets. I would be mollified by a contract where the loser in such a dispute is required to pay all legal fees. Otherwise, litigious remedies to such disputes are shown to be inherently and unjustly favorable to the party with more money. I would also like the remedy to include language that advises injunctive relief for future suspected behaviors in order to provide timely remedies for the aggrieved.

The area of the settlement that involves monetary compensation is anticompetitive itself and laughable. The idea that Microsoft gets a mandate to distribute its own software to schools, where it has heretofore had to deal with fair competition, is ironic. If removed from the context of an antitrust settlement, it looks like an initiative from Microsoft to expand into new markets, giving away software to influence the next generation of computer users. It comes at little cost to Microsoft, as they are free to valuate their own software. It also does nothing to compensate those who have been damaged by Microsoft's anticompetitive action. I would rather see Microsoft continuously paying hard cash for a larger oversight committee for the extent of their lifetime as a monopoly. This remedy would more accurately influence Microsoft's behavior than a one-time charity handout.

In closing, I am shocked at the way Microsoft's unyielding arbitrators have consistently stonewalled attempts at generating fair settlement. I feel that they have taken advantage of the USDOJ's and the US legal system's faith in the arbitration process. A judge should not be afraid to reject this settlement and impose remedies that precisely target both the monopolistic behaviors of which Microsoft was found guilty and the processes in the legal system that have been inefficient in checking these behaviors.

Sincerely,
Shawn Gatchell

MTC–00017892

From: Lord Moskrin
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

I don't agree

MTC–00017893

From: Adam Megacz
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft trial Tunney Act comment

I strongly oppose the current MS/DOJ settlement. I'm sure you've recieved plenty of standard replies, so I'll leave out the things that I'm sure many others have already said. However, here is a suggestion you probably haven't heard yet: ''Smallest useful unit''

Microsoft must divide Windows into a set of ''smallest useful components'' (browser, kernel, shell, media player, etc), and attach a *single* price to each one. Any entity (businesses, OEMs, consumers, resellers) must be allowed to purchase any number of licenses for any combination of these components, paying only for the components licensed. Licenses must be transferrable and resellable. Interfaces between components must be fully and publicly documented.

The Windows source code should be made available under NDA to a few leading computer science universities (I suggest Carnegie Mellon, MIT, Berkeley, CalTech, Stanford, and UW), whose expert faculty will be responsible for determining if Microsoft has artificially made components interdependant, and if the inter-component interfaces are sufficiently documented.

Thank you for your time.
—a

MTC–00017894

From: Jimba830@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:26pm
Subject: Microsoft Settlement

Dear Department of Justice:

My Word! Please settle this case soon. This is getting ridiculous. Microsoft has expressed sincere cooperation in trying to get this matter resolved. Why not accept a reasonable proposal. In today's Wall Street Journal (1–23–02), it was implied that these continuous litigation cases is just an attempt to keep Microsoft tied up in court and prevent them from innovating. I have to agree. These other companies just can't stand the fact that Microsoft has out-innovated them. It is in the public's best interest to get this thing over with. Continued litigation and compromises is just going to make the computer a more difficult and expensive product to use.

Thank you for hearing me.
Sincerely,
Dr. Jim Rodgers

MTC–00017895

From: Carl Holmberg
To: Microsoft ATR
Date: 1/23/02 2:26pm
Subject: Microsoft Settlement
Carl M. Holmberg
213 Mehani Circle
Kihei, HI 96753
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001
22 Jan, 2002

Dear Ms. Hesse,

I would like to state several of my objections to the Microsoft Anti-trust settlement as it stands as of 01/22/2002.

1. The settlement would not restrict the core way in which Microsoft unlawfully maintained its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ''middleware'') like Web browsers and Java, to the OS.

2. The settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized, particularly through it's illegal contracts with computer manufacturers.

3. The settlement has no provisions directed to new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its Windows monopoly.

4. The settlement makes no allowances for non-profit software developers. As a researcher with the Air Force Research Laboratory's Maui High Performance Computing Center, I can tell you that the majority of innovation in the software field today springs from non-profit (ie. open source) development efforts.

No settlement at all is better than a flawed settlement such as the DOJ is currently proposing. At least with no settlement, no one is fooled into thinking that the problems caused by Microsoft's past and current actions are being adequately dealt with.

Sincerely,
Carl M. Holmberg

MTC–00017896

From: David Shultz
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

This settlement is a complete sham. The current proposed agreement simply isn't a good idea for anyone but M$.

D. Shultz

MTC–00017897

From: Kyle S. MacLea
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my concern with the proposed settlement in the Microsoft Anti-Trust case. The proposed settlement allows and encourages significant anticompetitive practices to continue and as such is a poor ending to a succesful finding of guilt on the part of Microsoft. It is my feeling that it should not be adopted.

Regards,
Kyle S. MacLea

MTC–00017898

From: Sean M. Clifford
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

I believe that the proposed anti-trust settlement does not sufficiently protect consumers or businesses, nor does it adequately address the abuses of Microsoft. Note that Microsoft abuses continue, despite the antitrust case.

Thank you,
Sean M. Clifford

MTC–00017899

From: Harry Bulbrook
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

I encourage the Justice department to reject the current proposed judgement against Microsoft.

One example instance of Microsoft's anticompetitive strategies: As the network administrators for a large network in 1995, we prepared for many machine to upgrade to windows95. This would be beneficial for many reasons, not least of which was technical weaknesses of its predecessor, windows 3.1. Windows95 was not compatible with our existing tcpip stack. Fine, since windows95 came with it's own. But, being in a large environment required automatic assignment of IP addresses, something we had been doing with BOOTP for several years. Windows 95 supported DHCP (BOOTP's successor), but not BOOTP, even though DHCP explicitly provided for BOOTP support in the RFC. Therefore, to aviod moving to completely static IP assignment, a DHCP server must be setup. The only DHCP server available at the time was included in WindowsNT 3.51, which we did not have, being a NetWare shop. NT was therefore purchased, requiring specialized support classes and budgetary consideration. In effect NT was forcibly introduced, and when explanations were demanded as to why two network operation systems were required, the decision was made to move completely to NT, eliminating NetWare.

This experience was the first of several of its kind. I strongly recommend a harsher penalty for Microsoft, preferably requiring the publishing and documentation of its APIs for windows, word/excel/powerpoint/access save file formats, and the establishment of stronger strictures against this kind of behavior.

Thank You
Harry Bulbrook
Instructor, Durham Technical Community College
1637 Eaast Lawson St.
Durham NC 27707

MTC–00017900

From: Curtis Rey
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

More restraints!

MTC–00017901

From: mercado@phys-ha5sca-2.SFBay.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 2:29pm
Subject: Microsoft Settlement

To Whom it May Concern:

As a concerned citizen, PC consumer, and voter I would like to express my disagreement with the proposed settlement in the Microsoft case. The proposed settlement is a slap in the wrist to a montrous monopolistic empire.

In my opinion Microsoft continues to hold the PC market hostage. Its newest operating system is so intrusive that it should not be made legal to use. It intrudes in the privacy of customers and it monopolizes the use of any type of information acquired by the OS.

The proposed judgement does not guaranties that Microsoft won't continue to maintain its current monopolistic grip of PC operating systems. Thus, the PC sector as well as the consumer suffer due to the lack of market and technological competition. It is very simple. Go to ANY computer store (Fry's, Office Depot, Dell, Compaq, IBM, etc)

What is the operating system they sell? Simple: Microsoft Is it possible for them to install other operating system and sell it?: NO. The market is owned by Microsoft.

Please continue litigation of the Microsoft Antitrust Case. Microsoft Corporation can't be allowed to continue as the PC monopoly that continues to be.

Hector Mercado
Sunnyvale, CA
408–735–8842

MTC–00017902

From: Derek Bastille
To: Microsoft ATR
Date: 1/23/02 2:29pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am composing this email to express my strong concerns with the proposed Microsoft settlement. Unless Microsoft is reigned in more tightly than proposed in the settlement, they will continue to sacrifice all other aspects of their buisness in their quest for marketshare. This can easily be seen in several areas:

(1) Preannouncements. Whenever a potential competitor announces an upcoming product that could potentially compete with an existing Microsoft product, Microsoft will pre-announce that they have something already in the works, thus squashing the newcomer via the pre-announcement.

(2) Standards hijacking. Time and again, Microsoft has shown an unwillingness to ''play nice'' and use standards created by industry. Some examples are: Kerberos, Java, HTML, XML, etc. They constantly strive to lock users into proprietary Microsoft product and solutions and often use slightly modified standards to do so.

(3) Hidden APIs. Part of the antitrust ruling was devoted to the fact that Microsoft uses APIs internal to Windows to give other Microsoft projects advantages over the competition. Office is the best known example. However, recent examples of this behavior include: creating special APIs to make data transfers and syncing. easier for

PocketPC systems than for PalmOS systems, built-in APIs for Windows Media Player that disadvantage third-party media players.

In sum, all companies suffer to a certain extent from the ''Not-Invented-Here (NIH)'' syndrome. However, none of them have taken NIH to the level that Microsoft has where NIH is used as a way to bludgeon any potential competitors. Microsofts corporate culture is one that only believes in a zero-sum game, that is, anything less than 100% market share in every area will do.

I believe that, while Microsoft should not be forced to break up, that they need to do at least be forced to do the following:

—Publish and stabilize all APIs currently in Windows that are used by other internal Microsoft projects (Office, Money, IIS, etc). Further, any changes to these APIs must be documented for future versions of Windows.

—Ensure that all .Net APIs, schemas and protocols are fully documented and freely available.

—Reincorporate a fully functional, real java VM into Windows. Apple has done this with MacOSX, Linux has this, IBM's AIX and HP's Unix all have this. Microsoft refuses to do this solely to avoid competition with its own .Net and C# initiatives (another case of NIH running amok).

Thank you for your consideration of this letter and of my opinions.

Best Regards,

Derek Bastille

(Current contact info is in my signature block)

Derek Bastille, Phone: (907)474–5793

PO Box 756020, Fairbanks AK, 99775, Fax: (907)474–5494

Region Supercomputing Center, email: bastille@arsc.edu

User Services Consultant/ISSO-Accounts, http://www.arsc.edu/bastille

Visit WWW page for my PGP public key

ARSC Help Desk: email: consult@arsc.edu voice: (907)474–5102

MTC–00017913

From: Darin Thomas
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Dear Sirs,

I have reviewed the documents on the proposed Microsoft settlement and I feel that it doesn't go far enough to prevent Microsoft from continuing its monopolistic practices.

Joseph D. Thomas Sr.
dthomas@destinresorts.com
darin@partydogentertainment.com
2846 Old Mill Way
Crestview Fl. 32539

MTC–00017930

From: Ed Storm
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement
Edward R. Storm
7974 Sunkist Dr.
Oakland, CA
94605
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DA 205030–001

Under the Tunney Act, I wish to comment on the Microsofts settlement's inadequacy in improving the competitive environmenbt of the software industry. I am sure you have recieved many such comments, my main concern is with the lack of consideration for open source projects whose goal is to interoperate with the MS-Windows platform. Specifically the stipulation in the settlement (Section J.2.c) Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This basically allows Microsoft to refuse to share ANY information with open source projects, as these projects are usually undertaken on a not-for-profit basis. I suggest that the languge be added to the above section specifically prohibiting Microsoft from discriminatiing against not-for-profit open-source projects.

Regards,

Edward Storm

MTC–00017940

From: Brian Teague
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Dear Department of Justice Antitrust Division

Upon perusing the proposed final judgement for the Microsoft antitrust trial, I wish to draw your attention to what I consider a grevious omission. The proposed final judgement includes no provision that Microsoft disclose the file formats employed by such applications as the Microsoft Office suite of productivity tools. No doubt through the exclusionary practices for which Microsoft currently stands trial, the Microsoft Office suite has become the defacto standard for creation and transfer of documents in business, industry and education. The inability (or, through much trial and error, imperfect ability) to interoperate with these file formats poses a major liability to corporations such as Corel and AbiSoft who wish to offer competetive products, not to mention open-source projects such as Gnumeric and Kylix.

Even though Office 2000 claims to operate with the industry-standard XML file format, Microsoft has not released the Document Type Definition (DTD) that defines the structure of these documents. Thus, they are still not accessible by non-Microsoft applications. If your intent is truly to lower the barrier-to-entry into the desktop computing market that Microsoft has imposed, I urge you to include a provision that Microsoft disclose its proprietary file formats just as it must disclose its APIs.

Regards,

Brian Teague

Baker ''04

Rice University

MTC–00017942

From: Aaron Hall
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

To whom it may concern:

As a computer professional who works primarily with personal computers and low-end servers, I have severe reservations about the proposed DOJ settlement with Microsoft.

The defining characteristic of Microsoft's behavior has been that the company is able to structure products and agreements to lock customers in, in a way that they simply would not dare to do (or even be able to), if they did not have the advantage of a virtual monopoly.

For example, Microsoft has recently introduced new licensing schemes for large installations, called ''Volume Licensing 6.0'' and ''Software Assurance''. These are, essentially, subscription plans for software. Rather than paying for one license which is good indefinitely, Microsoft seeks to require one to renew the license annually. Estimates I've heard suggest that this would raise the average cost of software 25 to 30 percent, over the time a standard license would generally be in use.

There is a way to recieve discounts, called an ''Enterprise Agreement''. To recieve discounts, a company must agree not to use any competitive products! In order to make software upgrades affordable in the short term, a company essentially gives up any real method of transitioning away from Microsoft in the long term. This could have a devastating effect on Microsoft's competitors.

This, to me, is what anti-trust codes are supposed to prevent. Microsoft is using its monopoly position to dictate terms to its customers. (The above is just one technique. I'm sure you are hearing of many others.) It is brazenly coercing customers into abandoning any other options. I am very concerned that the current proposed settlement does not impose any real penalty on Microsoft for past and current actions such as this, and doesn't implement more than trivial safeguards against it happening again. Microsoft obviously does not take seriously the current actions against it, to be acting in such a manner as this while settlement proceedings continue.

I believe that Microsoft's monopoly advantage will serve as insulation against even the government's attempts to curb its illegal behavior, unless the DOJ implements restrictions that fundamentally change the way Microsoft does business, at least temporarily. Others can speak to specific methods far better than I.

Without significant change, I fear that Microsoft will continue to be able to force restrictions on individuals and businesses alike, and there will be very little the rest of the market (or their customers) can do to stop them.

Please take this into consideration.

Sincerely,

Aaron Hall

<aaron@vitaphone.net>

MTC–00017943

From: Jeff Adams
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

To whom it may concern,

I oppose the proposed settlement with regard to Civil Action No. 98–1232. Because

the United States Court of Appeals for the District of Columbia Circuit upheld the conclusion that Microsoft abused it's monopoly power, Microsoft should have —no— say in the remedy phase. It's my opinion that Justice is not served if the guilty are allowed to define their ''punishment''.

Respectfully,
Jeff Adams
Kyle Tx

MTC–00017944

From: Bill
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

I think the propopsed settlement is a BAD IDEA! Microsoft should not be allowed to weasel their way into a market segment that has not traditionally been theirs when they are supposed to be punished!!! By allowing them into schools you are INCREASING their market segment by surrounding students with MS products. Those students will continue to use and purchase MS products later in life.

William S Manro
Bloomington, MN 55420
Technical Support

MTC–00017945

From: Vinu Arumugham
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Microsoft skimmed billions from consumers by violating the law. Now it looks like they will buy their way out of trouble. They have paid off the Bush Administration and Congress. Are there any ''Untouchables'' left?

Vinu Arumugham
1860 Bexley Landing
San Jose CA 95132

MTC–00017946

From: Stuart Schneider
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

I would like to comment on the proposed settlement of the Microsoft case. From what I've read of the proposed settlement online and in the media, the ''settlement'' is a joke and doesn't even give Microsoft a slap on the hand. None of the requirements in the proposed settlement will cause Microsoft to change their business practices.

Thank you,
Stuart Schneider
Portland, OR
schneis@dvl.net

MTC–00017947

From: Thor Brickman
To: Microsoft ATR
Date: 1/23/02 2:31pm
Subject: Microsoft Settlement

To whom it may concern,

After reading the proposed final judgemens in United States v. Microsoft, it is my opinion that, given the obvious nature of Mircosoft's transgression, the judgement does not do enough to rectify the situation and, if implemented, might even make it worse.

There are ways the judgement could be strengthened:

(1) The definition of ''Windows Operating System Product'' needs to be more inclusive and far reaching. The language of the current definition could be easily circumvented with mere marketing.

(2) The release of information to ISV's needs to be broader in it's statement of the purpose for the disclosure, again to insure that Microsoft does not use nomenclature to exclude information from the provision.

(3) The Prohibition of More Practices Toward OEMs needs to include some statement about computers with a non-Mircosoft Operating System without any Windows Operating System Product, or the prohibition leaves anyone not doing business with Microsoft open to predatory practices. The judgement should also take into account Windows compatible operating systems, which it neglects to mention entirely. many of the definitions are too narrow or use language that could be misleading. In addition, the judgement does not address many of the license terms Microsoft is using, even though those are anticompetitive. There is also no comment about intentional incompatibilities, which Microsoft as repeatedly used to hamper the development of competing technologies.

Even with the suggestions above, the judgement does not seem to do enough to guarantee competition in a market like the one Microsoft has created using predatory practices and I think it needs to be reconsidered.

Thank you for reading,
Thor Brickman
Systems and Network Administrator
University of San Diego

MTC–00017948

From: Walter Wood
To: Microsoft ATR
Date: 1/23/02 2:31pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement between Microsoft and the DOJ. My reasons for this are several.

* The penalty proposed is not really a penalty. It only amounts to a slap on the wrist. The behavior MS has exhibited should bring much stronger sanctions.

* I believe MS has abused their power to stop innovation and to keep new products from competing companies from successfully coming to market.

* While the cost of all other computing products has come down, the cost of Windows has actually gone up. For example, I purchased a new computer and Windows 3.11 in 1994. The cost was $79.95 for the full product (not an upgrade). The cost of the equivalent product, Windows XP Professional Edition is now $299.95. This is a price increase of 375% in eight years.

* The percentage of the total cost of a computer that goes toward the operating system (Windows) is much higher now than eight years ago. When I purchased my first new computer in 1994 it cost $2500 the OS was $50 (Windows 3.1) or 2% of the total cost. You can now buy a computer for $800 but the OS now costs $200 or 25% of the total cost.

* Microsoft is reported to have $30+ billion in cash reserves while many other companies are going under. While this is not a crime, it does indicate that they can do anything they want to anyone including consumers. The only thing that can stop them are criminal or civil penalties. If their products had competition, they would have to lower prices and they would not have this huge cash reserve.

* Microsoft is now adding repressive features to its programs that will enable them to prevent your using the product in the future that you pay for today. The example here is Product Activation. I recently had to repair an old computer using Windows 95. I was able to reinstall the OS without a problem. With Product Activation, will I be able to do that four or five years from now? Or will MS force you to upgrade to their newest OS by denying Activation to older products? While I agree MS has a right to protect their investment, if I had a choice I would choose a product without this feature. I don't trust them at all!

Sincerely
Walter D. Wood
599 Heather Brite Circle
Apopka Florida
wwood@cfl.rr.com

MTC–00017949

From: dave campbell
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

Microsoft has already become the software monopoly, and without something done at this point to rein them soon they will be the hardware monopoly too. Please rethink this settlement.

Sincerely
Dave Campbell

MTC–00017950

From: Christy
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Christina West
1311 E. Beech Rd.
Sterling, Va 20164

MTC–00017951

From: Ryan Anderson
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

I have been following the MicroSoft anti-trust trial on and off, and largely, I have been saddened by the complete collapse of the case after the Appeals court disagreed with the original set of remedies. Rather than go into a lengthy discussion of what I feel is wrong with the settlement, let me simply say that I agree with what Dan Kegel has posted at http://www.kegel.com/remedy/letter.html regarding this proposed settlement.

Furthermore, I would like to point out that the settlement does not sufficiently punish MicroSoft for the illegal actions it has taken in the past, let alone prevent future ones. That such a company can flaunt the law, and be given a slap on the wrist in return is a painful event to watch.

Thank you for your consideration,
Ryan Anderson
37237 Tamarack
Sterling Heights, MI 48310–4163
586–979–0016

MTC–00017952

From: Sean Spillane
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I belive that the proposed settlement is a poorly considered solution to a major problem. We should not allow a rich company to decide what we want to run on our computers.

Sean Spillane
seans@olf.com
toku@optonline.net

MTC–00017953

From: Troy Baer
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I feel it is my responsibility as an American to object in the strongest possible terms to the proposed antitrust settlement between Microsoft and the U.S. Department of Justice. The proposed settlement does little to punish Microsoft for past wrongdoings or to curb future antitrust violations.

The settlement includes a number of loopholes which Microsoft can exploit to hamper competitors. Probably the worst of these from my perspective is Section III, Subsection J:

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

This is a ''get out of jail free'' card for Microsoft as far as API and protocol disclosure goes. By not disclosing how the security and authentication portions of Microsoft's APIs and protocols work, Microsoft is trying to hamper interoperability with their authentication methods (including Microsoft Passport as well as their bastardization of the standard Kerberos authetication library from MIT) from being implemented on other platforms such as UNIX and Linux. Furthermore, it gives them ''carte blanche'' to deny documentation on *any* API or protocol, simply by claiming it's related to security or authentication. Even worse is the fact that trying to keep something secure by not describing how it works (a technique known as ''security through obscurity'' in the computer/network security community) is well known as unworkable with software as widely used as Microsoft's products.

For an example of why this is a problem, consider the Samba project (http://www.samba.org/). This is a worldwide cooperative (and largely volunteer) open source effort to independently implement Microsoft's file and printer sharing protocols for UNIX and Linux systems. Under the proposed settlement, Microsoft could deny the Samba developers access to Microsoft's authentication protocol documentation because doing so could potentially compromise the security of their software. This may not be what the authors of the proposed settlement intended, but I would not be surprised to see it used in such a way.

Also conspicuously absent from the proposed settlement is any mention of a mechanism by which Microsoft would be punished if they are found to be in violation of any part of the settlement. It would appear that any violations must be tried once again in court. I would submit that specification of a large fine (eg. $1 million per day of noncompliance) would act as a significant deterent to further antitrust abuses.

I hope that you will take these comments into consideration before enacting a final judgment in the Microsoft antitrust case. You will find a much longer commentary on the proposed settlement at http://www.kegel.com/remedy/remedy2.html, with which I agree almost in its entirety.

Sincerely,
Mr. Troy Baer
5687 Snow Drive
Hilliard, OH 43026
(614) 850–7328 Troy Baer, MS(AAE)
tbaer@columbus.rr.com
http://home.columbus.rr.com/tbaer/
CC:senator_DeWine@DeWine.senate.gov
@inetgw,

MTC–00017954

From: COBURN,JEFF (HP-Loveland,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

I don't feel the proposed settlement is adequate. From what I understand, the following problems are not being addressed:

1. It is well known Microsoft has intentionally ''broken'' their software so it wouldn't interoperate with competitors products. I don't see anything in the settlement that would prevent this from happening in the future.

2. Their end user license agreement (EULA) for some of their products states the product is only licensed for specific operating systems (all Microsoft). Applications exist to be able to run windows applications on other operating systems, but this would be illegal do to the terms of the license. If microsoft refuses to support the application on a different os that's one thing; letting them make it illegal to run it on a different operating system is clearly unacceptable.

3. The settlement doesn't go far enough in opening up API's. Not all API's need to be documented, and it doesn't even mention file systems. This kind of ties back to my first point above.

4. Not enough has been specified to prevent Microsoft from punishing vendors who offer alternatives. They would have to specify prices for the top 20 OEM's, which helps, but leaves smaller companies vulnerable. Wouldn't it be better to specify prices by volume? If you buy so many licenses, it costs X amount of dollars...

Please consider these issues before considering this settlement final.

Jeff Coburn

MTC–00017955

From: Schemmel, Grant
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

Dear Sirs:

I would like to register my objection to the Proposed Final Judgement (PFJ) in the Microsoft Antitrust case.

Specifically, I object to the provision in definition U, which does not include ALL Microsoft OS products as part of the definition for Windows Operating System Product. I feel this gives Microsoft an unfair advantage in future technologies which could replace existing ones.

I also object to the PFJ's proposals to eliminate entry barriers for Independent Software Vendors. There should be no restrictions on the use of disclosed data, which should also be released at least 6 months prior to any formal release by Microsoft.

Thank you for your time.

Sincerely,

Grant Schemmel

Principle Test Engineer, BSEE, MSCS

1451 R Street

Penrose, CO 81240

MTC–00017956

From: Calvin Taylor
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

To whom it may concern,

This is a bad idea. A better solution would be to split Microsoft into an operating systems company, and an applications company.

Calvin Taylor

11510 SW Terrace Trails Dr.

Tigard, OR 97223

MTC–00017957

From: Michael D. Mooney
To: Microsoft ATR
Date: 1/23/02 2:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market, the office applications market, or the Web Browser market. This is especially important in view of the seriousness of Microsoft's past transgressions through aggressive OEM licensing, intentional ''de-commoditizing'' of open standards (Kerberos, java, HTML, javascript, DNS, BOOTP, etc.), introducing ''Vaporware'' in response to competitor products (Caldera vs. Microsoft: http://www-cs-students.stanford.edu/kkoster/microsoft/caldera.html), and including code in its system software for the sole purpose of producing incompatibilities (Caldera vs. Microsoft again). Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Michael Mooney

1007 S. Congress Ave., #1028

Austin, TX 78704

MTC–00017958

From: Derek Young
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

The biggest problem with this settlement is that is is taking so long. There is a lot of things Microsoft has done that is totally wrong. I could fill an entire email with things I find to be anti-competitive. Microsoft will use the defence that they just want to innovate, but I can promise you they have never ever innovated. Everything they have they stole or purchased from someone else.

At this rate, by the time the courts go through the thousands of cases there will be no chance for any competition.

Here is my suggestion that would remedy this solution. My experience is the fact I have over 15 years of programming experience. The reason Microsoft is a monopoly is that if you go to the store, all software there is for Windows. Even if a competitor made a better Opearting System it would fail because there would be no programs the new Operating System could run. Here is the key tho, Microsoft ripped off Sun Microsystems and created a CLR (Command Language Runtime) to run Windows applications in. It opeartes almost exactly like the Java Virtual Machine. I think the reason Microsoft has gone this way is so they can make a monopoly in the embedded device market, or possibly they are paving the way so that windows can move to a processor besides the Intel x86 platform.

If Microsoft was forced to make a fully stand alone open source CLR, and then was forced to implement that CLR on other operating systems such as Linux, OS/2, FreeBSD, etc then those other operating systems could run all modern windows applications that used the CLR.

The reason the CLR implemention would have to be open sourced is because I would not trust Microsoft to release it closed source. How could I trust they would't put a worm or backdoor in it? Even worse, I doubt they would really support it that well. If it was open source we could fix bugs ourself as time went on.

This seems fair. the CLR has NOTHING to do with Windows operating system. Forcing them to open up the CLR would give us nothing in the internals of the Windows OPERATING SYSTEM. This would simply make it so people could go to the store, purchase a program and run it on almost any computer with any operating system.

Thank you for taking the time to read my letter.

Derek Young
bleach@orcacom.net

MTC–00017959

From: Thor Brickman
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Microsoft Settlement

To whom it may concern,

After reading the proposed final judgemens in United States v. Microsoft, it is my opinion that, given the obvious nature of Mircosoft's transgression, the judgement does not do enough to rectify the situation and, if implemented, might even make it worse. There are ways the judgement could be strengthened:

1) The definition of ''Windows Operating System Product'' needs to be more inclusive and far reaching. The language of the current definition could be easily circumvented with mere marketing.

2) The release of information to ISV's needs to be broader in it's statement of the purpose for the disclosure, again to insure that Microsoft does not use nomenclature to exclude information from the provision.

3) The Prohibition of More Practices Toward OEMs needs to include some statement about computers with a non-Mircosoft Operating System without any Windows Operating System Product, or the prohibition leaves anyone not doing business with Microsoft open to predatory practices. The judgement should also take into account Windows compatible operating systems, which it neglects to mention entirely. many of the definitions are too narrow or use language that could be misleading. In addition, the judgement does not address many of the license terms Microsoft is using, even though those are anticompetitive. There is also no comment about intentional incompatibilities, which Microsoft as repeatedly used to hamper the development of competing technologies. Even with the suggestions above, the judgement does not seem to do enough to guarantee competition in a market like the one Microsoft has created using predatory practices and I think it needs to be reconsidered.

Thank you for reading,

Thor Brickman

Systems and Network Administrator

University of San Diego

MTC–00017960

From: Jose Marinez
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Settlement

To whom it may concern:

Please stop this madness.

I would like to use other operating systems, but I can't. Not because these systems are technically inferior nor user friendly, but because of technical and ''cultural'' restrictions that have come about due to the Microsoft monopoly. In a world of open standards and free market economies there should be no need for a monster of the size and influence of Microsoft. Take for example the IE scenario. Back in the early days of the internet, Netscape was king of the browser market. People were very satisfied with the level of ease that all of a sudden you could

browse the web. Netscape on the other hand was making money the all fashion way: producing a product that offered obvious value. Then comes Microsoft, after realizing that they were late to the latest economic and social revolution; decides to ''compete'' in the browser market. So what is wrong with that you say, well nothing, for the exception of how it was done. Microsoft as it has always done with most of its technologies, when out and bought a browser. But let me give you an example of the kind of negotiation that was involved in these acquisitions.

Microsoft: We want the best browser available on the market to compete with Netscape. What do you have?

Browser owner: Well, we have a product that can compete with Netscape head on. As a matter of fact, no other company can match us.

Microsoft: Can we test your technology and see your code?

Browser owner: Yes, under certain agreements.

Microsoft: No problem, after all, we are Microsoft.

Browser owner: I believe that our technology is worth $X millions of dollars. Your company as well as any other competitor would agree.

Microsoft: We like what we see. But we are not willing to pay that much for it.

Browser owner: Sorry, but we really can't sell for less.

Microsoft: You don't understand. Since we control 95% of the OS market, what ever browser we bundle with our OS will become the defacto standard. It will only be a matter of time. Do you and your browser want to ''make history'' or will we have to go to another competitor and make them the history makers. What do you say? I think this is a ''sweet and innovative'' deal.

Browser owner: It seems like I don't have much of a choice. I either sell to you at your price and with your conditions, or I'm out of the game for good because eventually you'll control the whole market. I think the choice is clear.

This is a very simple and classic scenario of what Microsoft can do to competitors and rivals. I'm not even mentioning the fact that there were other companies that probably had better technology but due to the competing obstacle of Microsoft ceased to produce a better product. As a consumer, I'm stuck with what may be mediocre technology and with no choice or hope of making a change.

Please stop the insanity. Don't sell out. This is more than just a complicated monopoly case. The future of technology as well as our economy for the next 20yrs. is at stake.

Thank you,
Jose Marinez

MTC–00017961

From: Hunter Dixon
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: microsoft settlement

I am firmly against this settlement.
Hunter Dixon
hunter@thelocust.org

MTC–00017962

From: John Martin
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

I feel that the proposed settlement is a bad idea. Past behavioral remedies have had no effect on Microsoft, and there is no reason to believe this one would be different.

MTC–00017963

From: Armando Di Cianno
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

The proposed settlement is an awful plan. As a college student focused on computer science studies, I have long been aware of the strangehold Microsoft has put on innovation, and it hurts me just to be aware of it.
——Armando Di Cianno
diciaa@rpi.edu

MTC–00017964

From: Jeremy Black
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I'm not an expert, but the settlement doesn't seem to compensate victims of Microsoft's actions in the past, account or punish for illegal actions continuing today, nor prevent or discourage future illegal activity. In short, it stinks!
-Jeremy Black

MTC–00017965

From: Crews, Ford G ERDC-ITL-MS Contractor
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

Dear Sir:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely
Ford Crews

MTC–00017966

From: Jimba830@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

Dear Department of Justice:

It is time to settle this case. It has gone on far too long. You will never please everyone, including the nine states that have refused to accept the proposed settlement. I think the judge should just tell those nine resisting states that his/her decision will be final and binding. Let's just get this over with. Microsoft has made a generous settlement offer. The judge can offer modifications to the proposal if needed. But, please decide something and close the case. It is costing the consumer in terms of dollars and confusion to keep this ongoing.

Sincerely,
Dr. Jim Rodgers

MTC–00017967

From: Robert Weiler
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Do not approve this settlement
Robert Weiler
Perfectsense Software
536 Marin Ave
Mill Valley, CA 94941
January 23, 2002
Microsoft Tunney Acts comments
US Department of Justice

Dear Sir or Madam,

I am writing to express my opposition to the proposed final settlement of the Microsoft antitrust case. I have been a software developer for over 20 years and I am currently an executive of a start up corporation and have extensive experience with Microsoft's products as well as those of Microsoft's competitors. In addition, I have followed the trial very closely and have read the relevant documents. I would like to remind the court that the Microsoft has committed extraordinary public relations resources in an effort to influence public opinion, and ultimately, the court. Thus, it is likely that the overwhelming majority of pro-settlement comments were bought and paid for by the criminal. I trust that the court will take this into account and treat those comments accordingly.

Microsoft corporation has committed a serious federal crime. They received a fair trial, and the decision was unanimously upheld by a Court of Appeals. Microsoft has been repeatedly warned for past violations of the law and indeed the entire reason that this case is presently before the court is that Microsoft is unwilling to change their business practices to conform to the law. Microsoft is understandably reluctant to abandon those business practices as they are extremely effective and have allowed Microsoft to illegally eliminate competition and subsequently raise prices. Consequently, Microsoft has been able to make and retain extraordinary profits even despite the current recession. The Proposed Final Judgment is flawed for the following reasons:

1) It will do nothing to restore competition.

Microsoft corporation has effectively eliminated competition on the desktop due to illegal practices. Apple computer holds less than 5% of the desktop market. OS/2, as a direct result of Microsoft's violation of the law, holds almost nothing, and Linux, the only likely future competitor, has perhaps 1%. Since Bill Gates, a founder and CEO of Microsoft, publicly derided the quality of past releases of Microsoft Operating Systems products at the Windows XP launch, and has recently derided the security of all Microsoft products, it is fair to say that Microsoft's success has not been due to having a superior product. Instead, their success is due to illegal licensing terms and the application barrier to entry. The Proposed Final Judgment allows Microsoft to continue discriminatory licensing practices and to continue to maintain the application barrier to entry. In addition, the language contains so many loop holes as to be unenforcible. I propose the following language for section IIIb:

''Microsoft shall offer all of their products to all customers at the same price. Microsoft may set a lower limit on the number of copies that are purchased directly from the corporation, but may not set any terms for distributors that buy a large number of copies and redistribute them in smaller volume. Microsoft may not enter into any discriminatory Market Development Agreement'' Once a Microsoft product has been legally purchased, Microsoft should have absolutely nothing to say about how that product is subsequently resold. For section IIIC, I would propose the following wording: ''Microsoft shall impose no additional terms on its OEM's or distributors regarding subsequent resale of Microsoft products.''

Section IIID appears to attempt to reduce the application barrier to entry, but does not do so in any way that is effective. In addition, it contains serious loopholes that would not allow developers to develop for any platform other than Windows, nor does it take into account Microsoft's other monopoly in desktop productivity software. For section IIID, I would propose the following wording:

''Upon release of any Microsoft software product, Microsoft will provide complete documentation of any protocols, file formats, and APIs. In addition, Microsoft will license any intellectual property required to implement such protocols, file formats,and API's under a royalty free and non discriminatory basis to any interested party.''

In addition, section III.J.2 must be dropped in its entirety. The only logical reason for this provision is for Microsoft to prevent competition from GNU Public License software, which Microsoft views as its primary competitor. Microsoft should not be able to select its desired competitors.

2) It imposes no penalty on Microsoft for past violation of the law. As a direct result of illegal business practices, Microsoft has amassed a cash pile of over 35 billion dollars. Some of that money belongs to the taxpayers due to the expense of the trial. In addition, Microsoft should pay some sort of fine for past violation of the law.

3) It fails to recognize that Microsoft posses two monopolies; one in desktop operating systems and another in office productivity software.

I addressed this in my previous comments, but it bears repeating. The proposed final judgment deal only with Microsoft's operating system monopoly. In addition, Microsoft possesses a monopoly in desktop productivity software. To a large extent, this monopoly was also illegally obtained by bundling Microsoft office with the operating system at greatly reduced cost, and using the operating system profits to offset the loss. Once the competitors were eliminated, Microsoft raised prices. Microsoft currently views the Linux operating system as it's biggest competitive threat. The largest factor preventing Linux from competing on the desktop is the lack of a 100% compatible office suite. Microsoft must publish and license their Office protocols and file formats on a non discriminatory royalty free basis. In addition, Microsoft must not be allowed to use Office licensing fees as a club to prevent operating system competition.

4) It contains no effective provisions for enforcing the judgment. The technical committee proposed would have no actual power to enforce the agreement. In addition, the committee members would have a clear conflict of interest since one of the members is chosen by Microsoft and they would paid by Microsoft. Any violation found by the committee would still need to be brought to court before a remedy could be imposed. I would propose the following:

''The Plaintiffs will appoint a special master with the poser to enforce this judgment. Microsoft shall have the right to appeal decisions of the special master at their expense. The special master and staff will be employed and paid by the Department of Justice. Microsoft will reimburse the Department of Justice for reasonable expenses incurred by the special master and staff incurred in the performance of their duties.''

5) The term of the agreement is too limited.

I would like to point out that the term of the agreement is not tied to any goals. The agreement should remain in effect until there is effective competition in desktop operating system and office productivity software markets. Microsoft can hardly complain about this as if the remedy is ineffective, it hardly matters. If it is effective, it will only serve to undo the effects of past illegal conduct and this should be the goal.

Robert Weiler

MTC–00017968

From: Erik Van Benschoten
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Erik Van Benschoten

MTC–00017969

From: Brian Ray
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I'm familiar with the phrase ''Blind Justice'' but perhaps I misunderstood it's meaning all of these years...

Microsoft is trying to do to the US legal system exactly what it has been doing to the entire computer industrie for as long as it's been around... Control it.

The proposed judgment is a joke. It is as clearly full of holes as Microsoft is guilty. Microsoft and its lawyers are trying to pull a fast one and the Government is playing right along. Many of the proposed judgments clearly HELP Microsoft!

Please reject the proposed judgment and continue the suit.

Thank you,
Brian Ray

MTC–00017970

From: Un L'Unique
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Hello

As ancien progammer and Chief system adminstrator, I am currently against the proposed settlment because:

1) http://www.kegel.com/remedy/remedy2.html, I share most of there complain

2) it will not break the current Microsoft monpoly

3) it will not prevent Microsoft to extend its monoply to other software as for example, www

browser,

office application or langage.

Sincerely,
Un L'Unique

MTC–00017971

From: Toby
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

The biggest problem I see is that the settlement is not a structural remedy. Oversight remedies have been tried against Microsoft in the past, and they have coded around them, lobbied over them, and legally maneuvered past them every time. The only thing that hasn't been tried yet, and that has a hope of working, is to break them up.

Breaking Microsoft up into OS/Applications/Other divisions wouldn't break their monopoly, but it would make it more difficult for them to use their OS monopoly to create new monopolies in other areas, which they are doing with Windows XP and WMA even as I type this. Thank you.

MTC–00017972

From: darmok@ supernova.dimensional.com @inetgw
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Dear Sirs,

In my opinion, the proposed settlement regarding the federal antitrust case against Microsoft is not in the best interests of the public. There are many reasons why I do NOT support the proposed settlement as it stands. I refer you to http://www.kegel.com/remedy/remedy2.html for a partial description of those reasons.

Thank you for your attention.

Steve Genoff
Software developer
Attached: web page cited above

MTC–00017973

From: George Robinson II
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

As a computer professional, Microsoft's operating system monopoly has been the pain of my work for the last six years. I am elated that justice is being sought against them, but it is not justice for the guilty to determine the punishment. As a watch these procedings, it has been clear that they hold the courts in contempt and have no interest in co-operating with the courts. The guilty should be punished for the gross irreperable harm they have caused the market and the consumer. The proposed settelment does not do this; it may even benifit the guilty party. Do NOT settle.

George Robinson II
San Clemente, Ca

MTC–00017974

From: Rexford Hill
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am writing to express my deep concern over the proposed settlement with Microsoft. This agreement, specifically secition III(D), will give Microsoft the right to hide operating system calls that are currently used by various open source software projects like Samba. Samba is critical to my business, as it allows me to mix and match the best products (Linux for my engineer's workstations, and Microsoft servers for my back-end data storage). If Microsoft is allowed to hide their operating system calls in such a way, it will mean that I may no longer be able to buy Linux workstations for use in my network. This would be a direct exercise of their monopoly power in the operating system market to stifle innovation in the engineering workstation market.

Please do not go forward with this fundamentally flawed settlement agreement.

Rex Hill
14360 Janal Way
San Diego, CA 92129
rhill@troikanetworks.com

MTC–00017975

From: people@gaffle.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

I beg you to reconsider this settlement. It is a VERY bad idea. The world is watching this, and it's outcome will not only reflect on our justice system, and the integrity of our government, but will send the message to all people, both young and old, that our government does not exist to serve it's citizens, but only to defend the wealth of corporate monopolies. Even in these darks times, it becomes more and more obvious each day.

I beg off all of you to reconsider this.

Thankyou for your time,
Concerned U.S. Citizen.

MTC–00017976

From: Damian Yerrick
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: The Microsoft settlement may backfire

To whom it may concern:

The United States Department of Justice has proposed a settlement with Microsoft Corporation in the anti-trust case, the terms of which include Microsoft donating software licenses to schools. I consider this settlement a bad idea because it is highly likely to backfire and strengthen Microsoft's monopoly. For one thing, the restrictions placed on Microsoft are overly narrow.

See http://www.kegel.com/remedy/letter.html For another, the ''retail value'' of Microsoft software named in descriptions of the settlement is highly inflated, as it costs less than a dollar to press a disc, the balance attributed to the monopoly that the Congress has already granted to Microsoft under copyright law. (I consider a 95-year copyright term under the Bono Act more than a bit excessive for software that generally becomes obsolete within five years, but that's another letter for another day.)

Even worse, the proposed settlement gives Microsoft even more mindshare and more power among the most intellectually vulnerable of American citizens, namely our children. Microsoft's predatory tactics named in the findings of fact included ways of convincing consumers that no worthwhile operating system exists other than Microsoft Windows. In fact, Microsoft is willing to take a loss in order to get this point across: witness free copies of Windows XP given out at offices of the U.S. Postal Service. Exposing children to Microsoft software and only Microsoft software sends a subconscious message to children that Microsoft software is all that exists, which only serves to strengthen the barriers to entry against other operating system publishers such as Red Hat, MandrakeSoft, Apple Computer, and Sun Microsystems. The notorious lack of security in Microsoft's Windows, Outlook, and Office product lines can potentially compromise academic integrity by encouraging students to learn to exploit security defects in Microsoft software instead of learning reading, writing, arithmetic, and some semblance of honor.

If the Department of Justice wants to punish Microsoft with damages, I suggest that these be cash damages. I'd also want to be able to study the source code of Windows in order to develop other operating systems that can run applications programmed to the Windows interface or to replace parts of Windows with independently developed modules.

Sincerely,
Damian Yerrick
a student at rose-hulman.edu

MTC–00017977

From: pheonix1t
To: Microsoft ATR
Date: 1/23/02 2:39pm
Subject: Microsoft Settlement

This settlement is a bad idea. It gives microsoft gov't permission to increase it's monopoly. This isn't a solution to the problem, its a reward for acting like a bully in the market-place. Please reconsider this settlement....I make a living supporting MS products.....I know what I'm talking about!

You think MS security is bad now.....just wait!! It won't get better if this settlement goes through.

Oskar Teran

MTC–00017978

From: mike stephen
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

Please I beg of you to consider the separation of hardware and software from all sales of computer systems. This will put competition back in the operating system arena. Right now when you go to a store to buy a computer it already has windows preinstalled. The customer has not any choice but to buy it with windows preinstalled. Even if he/she wants to run OS/2, or Linux, he/she must pay for a copy of Windows then delete it and install their preferred operating system. This is double paying for two operating systems when only one is needed.

Separating the two purchases (the computer hardware as one, and the operating system as the other) will help to level the field from pricing fluctuations that Microsoft currently uses to maintain the position in the marketplace. A company like Compaq can be forced to ''get into line'' with what Microsoft wants them to do and as a result can enjoy a significant discount on purchases on Microsoft product. Separating the costs would put an end to this. If computer users want to have windows on the machines they bought, then they can purchase a copy at the time of purchasing the hardware (or later if they choose) and install it when they take the purchase home.

When we buy a car today we all realise it needs gasoline to run. We all know we are going to buy gasoline. However we buy a car from a car dealer, then we choose to buy gasoline from any number of vendors. In the computer world, it is like buying a car and buying prepaid gasoline to run the car. We might want to buy gasoline from our chosen vendor, but we already have paid for gasoline at the time we purchased the car. This method makes no sense and microsoft has screwed the marketplace with poor quality software that is both poorly designed and poorly written. Please put a modicum of competition back into the marketplace.

Separate the hardware and software sales.

Mike Stephen

mikestp@telus.net

MTC–00017979

From: Darin Keever
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement. It is too much in favor of Microsoft.

MTC–00017980

From: Chris ''Xenon'' Hanson
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is one of the worst legal blunders in recent history. I don't believe it is necessary for me to describe all of the reasons why this is the case, our industry has done a much more eloquent job of that.

If this settlement is accepted, all I can say to the victims of the disastrous fate of the computer industry is, ''You brought this on yourselves.''

Though I am impacted daily by the problems of Microsoft's monopoly, (most are not even recognized by this suit) I am glad for every day that goes by that my company is too small to be noticed by Microsoft. The day that changes is the day I look for a new job in a new industry.

Chris—Xenon

Chris Hanson √ Xenon@3DNature.com √ I've got friends in low latitudes!

New WCS 5 Demo Version! http://www.3DNature.com/demo/

''There is no Truth. There is only Perception. To Perceive is to Exist.''—Xen

MTC–00017981

From: D. K. Smetters
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I think the current Microsoft Settlement is badly designed, and will not prevent Microsoft from continuing to extend and abuse its monopoly power. There are a wide range of specific points on which this settlement agreement fails to curb Microsoft's egregious business practices, and even where the settlement attempts to take a stand on what Microsoft can and cannot do, it presents no real enforcement mechanism.

Experience with prior consent decrees against Microsoft shows that the company will attempt to thwart the justice department in any way that it possibly can; and that therefore an effective settlement against them must be water-tight, and easy to monitor and enforce. It must prevent Microsoft from replacing its current mechanisms to strongarm OEMs into promoting Windows and IE to the detriment of other options with new mechanisms that achieve the same effect but escape the language of the settlement. You cannot hope to do that if you don't start with a settlement that effectively limits their current illegal practices.

Please see http://www.kegel.com/remedy/letter.html for a well-written discussion of many of the problems of the current settlement. I believe this list only begins to cover the problems of creating an effective settlment; such an effective settlement must be constructed to not only prevent Microsoft from continuing their current offenses, it must keep them from changing the ''look and feel'' of their offenses slightly to escape the settlement.

thank you,

Diana Smetters, Ph.D.

Member of the Research Staff

Palo Alto Research Center

MTC–00017982

From: Chris Bartle
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

I would like to register my disappointment of the proposed Microsoft settlement. Microsoft continues to leverage their monopoly in the PC industry in very creative and powerful ways that will eventually cause great pains for us consumers. This settlement does nothing to stop it; the US government needs to place severe restrictions on Microsoft's activities and actually enforce them. I think there is the potential for the government to accomplish some good here, but not through this current settlement.

Chris Bartle

Westminster, CO

MTC–00017983

From: Josh Litherland
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I am writing with respect to my concerns with the settlement reached with Microsoft in the DoJ suit, regarding anticompetitive practices and abuse of monopoly power. I am a professional working in the field of computer network security, and I have witnessed throughout the years a host of situations in which the American public have been victimized by Microsoft's abuse of their overwhelming monopoly. Based on my reading of the proposed settlement, I feel obliged to comment that the remedies put forth thereby will be greatly inadequate to reintroduce competition into the numerous markets currently owned by Microsoft, or to mitigate the tangible damage in terms of both direct financial loss and, indirectly, through an absence of customer service, attention to security and stability and the end-user's rights of fair use.

As an alternative remedy, I favor the suggestion put forth by the honorable judge Thomas Penfield Jackson, that Microsoft be required to provide accurate disclosure of, and support for, their programming interfaces (APIs, see Jackson's Finding of Facts), enabling third parties to develop interoperable systems with Microsoft's own offerings. This would, in my opinion as a computing professional, reintroduce customer choice into the marketplace and encourage merit-based competition, ultimately benefiting consumers through improved value offerings as well as a more rapid pace of innovation, which has been largely stifled during the period of Microsoft's unshakeable dominance.

In short, I wish to cast my voice into the pool of those who, as registered voters and as active participants in the United States economy, insist that Microsoft's transgressions be dealt with fairly, decisively, effectively, and expeditiously.

Josh Litherland (fauxpas@temp123.org)

MTC–00017984

From: brian@rentec.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I think the microsoft settlement is a bad idea. They broke the law (sherman anti-trust act) and should be held accountable.

Brian Childs

23 Stadium Blvd

East Setauket NY 11733

MTC–00017985

From: Jason Howard
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

Greetings,

I am writing you today to express my utter distaste with Microsoft's monopolistic attitude and operating procedures. I feel that Microsoft has, in the past and also in the present, used immoral (and at times illegal) tactics to crush would be competition. Microsoft, it seems, has an almost infinite capability for destruction of ideas and philosophies that some how pose a potential risk to their bottom line.

The Microsoft set of operating systems are by far the most widely used operating systems on this planet. A large portion of the software application today run on (and only on) a Microsoft operating system. Now this in and of itself is not a bad thing as a software company (if they want to make any money) will write software for the platform in which the largest user base is possible. Microsoft became a monopoly when they decided to try and force out of business companies that are creating products that would allow average Windows users to use their windows applications on an operating system that they had no control over. Two recent events come to mind very easily: the WINE case and the Lindows case. (Lindows is being sued by Microsoft for trademark violation, claiming that Lindows could be mixed up with Windows. However what I see happening is a sort of legal bullying. Microsoft is putting shear legal force on Lindows that will make its efforts turn from its goal, writing a reasonable alternative to the Windows operating system, to simply defending itself.)

Government involvement in the software industry is a very difficult decision for me (as

well as quite a few software engineers) to make. I would not normally lean to the side of government as I feel that the government should stay out of software practices. However in this case I am willing to support the governments actions against Microsoft as they have simply become too large to affect by any other means. That said, I am very unhappy with the way in which the government is handling the case. It seems that to some degree even the United Stated Government can be partially corrupted by Microsoft's power.

I look forward to your reasonable solution to this unreasonable company,

Thank You,

Jason Howard

Software Engineer

MTC–00017987

From: Michael Warnock
To: Microsoft ATR
Date: 1/23/02 2:38pm
Subject: Microsoft Settlement

Having only skimmed the PFJ, I cannot make a comprehensive comment on it, but i can tell right off that the definitions are far too narrow to do any good. Specifically the definitions of windows and API prevent any of the provisions from affecting the emerging markets, like ASP(.net), handhelds, webpads and set tops (x-box) I'm sure emotional plees are being ignored in general, but I'd like to mention that im typing this despite the pain of a fresh and rather deep wound at the base of one of my fingers. This settlement is too important for the future of the country, tech industry and even human race for me to hope that the other informed people making comments will outnumber those who microsoft paid to compose wordy snail mail.

Please act out of responsibility to the common american.

Michael Warnock—Artificial Life Programmer—InOrbit Entertainment

Total hard disk crash—O pestilence!

Now is the winter of our disk contents!

MTC–00017988

From: David A. Rogers
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

I do not agree with the proposed Microsoft Settlement. It is too lenient and does not address many of the issues that started the suit in the first place.

David A. Rogers

darogers@xnet.com

MTC–00017989

From: Joe Bayes
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I am against the proposed Final Judgement in the United States v. Microsoft case. I believe it is unenforceable and does not go far enough towards restricting Microsoft from further anticompetitive practices.

Sincerely,

Joe Bayes

701 Kingman Ave.

Santa Monica, CA 90402

jbayes@spoo.mminternet.com

Joe Bayes—jbayes@spoo.mminternet.com

MTC–00017990

From: clyvb@dal.asp.ti.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:39pm
Subject: Microsoft Settlement

I think the settlement is bad. It is insufficient punishment and encourages Microsoft and others to continue. Microsoft needs to be split up to encourage no make that... allow .... competition. best regards

Clive Bittlestone, Lucas, Texas
clyvb@pobox.com

MTC–00017991

From: A Pavelchek
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Regarding the proposed Microsoft Settlement, I oppose it as a bad idea, a bad deal and inappropriate given the patently abusive and stifling, let alone illegal, business practices of Microsoft. It falls far short of requiring that Microsoft enable others to develop software that can reliably interface to their operating system. The document is a formula for a disaster for the development of innovative software with consequences for the economy and society. In particular, the requirements to provide API access are too weak, let alone the lack of adequate enforcement mechanisms which gut the whole thing.

Andrew Pavelchek

MTC–00017992

From: crossno@linkline.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

As one who has struggled to keep my system(s) working, in spite of Microsofts deliberate attempts to sabotage any other OS, I disagree with the proposed settlement.

My problems with MS goes back to the days of Digital Research DOS, where every minor fix to Win 3.0 would cause it to no longer work with DR DOS until Digital Research provided a patch. In one case, and the code was actually posted on a BBS (sure wish I could have copied it) that did NOTHING but check to see if MS DOS was being used before it would start Win 3.X. This practice has continued by MS to the present day, not withstanding the legal problems that have been on-going. JAVA is a very good example that your department should use to judge that they have no intention of becoming anti everything that does not have MS income potential.

Gary Crossno

MTC–00017993

From: Dan Eastman
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I am a registered Republican, voted for Bush and am a strong supported of most of what he has been doing. One of the things that I cannot support is his administration's stand on the Microsoft settlement that has been offered. Having spent most of my working, adult life in high technology companies in Silicon Valley, I am well aware of what has happened in this arena and believe Microsoft has grown not only because of their innovative products but because of their predatory and illegal approach to competition.

They should be hammered!

Dan Eastman

408–867–9616 0ffice

13745 Pierce Rd.

Saratoga, CA 95070

MTC–00017994

From: Morss, Charlie
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

This settlement is very BAD very little to remedy the problems/practices that Microsoft has been found to be guilty of.

MTC–00017995

From: Lou Schmidt
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

Hello—

I am a technologist and market analyst for a major telecommunications equipment vendor. Here, however, I speak for myself: The proposed Microsoft Settlement is not a good idea. It is not good for the consumer and it is not good for the United States as a whole. Microsoft must open it's API's, or we'll be going through this whole trial again in another 5 years.

By opening the API's for Windows, Microsoft will not be prevented from ''innovating''. Rather, the field will be open for others to innovate in the space, so Microsoft will have actual competition and a reason to fix things. I must point out that the continued existence of Microsoft as an unregulated monopoly is very dangerous for the economy of the United States; Microsoft will have no real reason to patch it's numerous security holes without vigorous competition. How much money has the U.S. economy lost from the ''Code Red'' and ''Nimda'' virusii? Despite recent announcements from Mr. Gates, Microsoft will not take security seriously until it is a competitive threat. Does the U.S. government make extensive use of Microsoft products? Do you really think they are secure?

Thank you for allowing me to comment on this settlement.

— Lou Schmidt

— Technical Synergist

MTC–00017996

From: Chris Radcliff
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement to the Microsoft antitrust trial in its current state. As it stands, the settlement would do little to remove Microsoft's monopoly hold on the Intel-based PC operating system market, let alone discourage the company from leveraging that monopoly to force competitors out of related markets. The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems. It contains misleading and overly narrow definitions and provisions, even compared to the Findings of Fact. The PFJ also fails to prohibit anticompetitive

license terms currently used by Microsoft. It fails to prohibit intentional incompatibilities historically used by Microsoft, and as currently written it appears to lack an effective enforcement mechanism. Until these problems are addressed, the Proposed Final Judgement will remain an inadequate solution. I urge you to reconsider this action.

Sincerely,
Chris Radcliff
San Diego, CA
chris@velocigen.com

MTC–00017997

From: Valdis.Kletnieks@vt.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

Dear Sirs:

I wish to register my comments regarding the proposed settlement. In particular, although the Findings of Fact, paragraphs 29 and 30, show that undocumented file formats are a barrier to entry, there is no requirement in the PFJ that such formats be documented. This is a major barrier to software that wants to compete with Microsoft Office (such as the OpenOffice software project). This means that if I wish to be able to exchange Office-format documents, I have to run a Microsoft operating system so I can use *MICROSOFT* Office, since the OpenOffice project cannot support undocumented features in the file format. This is an onerous burden on those of us who wish to use other operating systems (quite possibly not even on Intel-based computers) where OpenOffice would be quite suitable and able to run, if the file formats were documented. This has been *directly* against my interests, as it means that quite often, if I am send a Microsoft Word document, I must go and find a machine that has a Microsoft operating system on it so I can use Microsoft Word to read it (or have an entire seperate computer in my already-small cubicle just for this one purpose). And the *only* reason I cannot open all documents with OpenOffice (which is supported on the computer that I *do* have) is that the file formats are not documented. In addition, I find that the proposed ''Definition J: Microsoft Middleware'', and ''Definition K: Microsoft Middleware Product'' are poorly written, and have major problems with them, allowing Microsoft to avoid any real control on its continued behavior. Microsoft should not be allowed to exempt version 7.0.0 as middleware, merely because the definition specified 7.0. I also concur with most of the rest of the points commented on by Dan Kegel at http://www.kegel.com/remedy/remedy2.html.

Valdis Kletnieks
Computer Systems Senior Engineer
Virginia Tech

MTC–00017998

From: Larry Lesyna
To: Microsoft ATR
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement provides inadequate compensation to the public. I urge that the proposed settlement be rejected because it is against public interest.

Sincerely,
Larry Lesyna

MTC–00017999

From: pereira@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I must object to the agreement you have reached with Microsoft. As I understand it, your agreement will still force consumers to purchase only computers with Microsoft's operating systems. Being forced into purchasing something you do not want is my biggest beef with the way Microsoft has done business, and, as I understood, is a principal reason for your legal action. As a minimum, any sensible agreement should ensure that, in purchasing a computer, you can specify the operating system you want that computer to run.

Then, the price of the operating system should be charged explicitly. So, if Microsoft charges a computer maker (say, Dell) $ 25 for Windows XP (as an example), I should pay Dell $ 25 to give to Microsoft, $ 5 for their profit (whatever), and $ 10 for installing the OS (or something: installing costs time). Then, if I want Linux, I should pay Dell $ 10 for installing Linux. And, if I prefer to do that myself, I save $ 10. You can do it this way with memory, with extra disks, etc. Why not with the OS? Only because of anti-competitive behavior of Microsoft.

Isn't this the type of thing you wanted to address with your lawsuit?

Sincerely,
Nino R. Pereira, Ecopulse
PO Box 528 Springfield VA 22150, 703 644 8419
pereira@speakeasy.org, www.ecopulse.com

MTC–00018000

From: Imad Elimam
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Settlement Support

Thank god that the DOJ has realized that we just need them to innovate instead of drain all the company resource on litigation, I would really support the settlement deal and would like to voice out to other state (Just put politics away let us give those guys a break to do something good in this life for our children and not follow the foot steps for money campaign, but think about the tax payer and the future of the economics otherwise will have a company like Enron that is like balloon of air that is supported by bunch of politicians. please let the market drive our economic and the freedom to innovate and bundle an add on software is always a plus to regular users).

Our freedom to choose that drive me to write this and to choose Microsoft as a my favorite software provider company. please keep our choices alive. Imadeldeen Elimam

MTC–00018001

From: Ralph Hogaboom
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

To the United States Department of Justice;

I would like to take this time to voice my dissent at the proposed settlement between Microsoft & the DOJ. For the last three years, I have witnessed Microsoft's continued monopoly in the US market, and have personally and professionally suffered because of it. I do not feel that the tentative settlement that has been reached adequately addresses the problems of Microsoft's monopoly, nor does it provide adequate protection for consumers. I believe that this settlement should be dismissed in favor of a new settlement that protects and meets the needs of American consumers, and that actually punishes Microsoft for its monopolistic actions.

Ralph Edward Hogaboom
American Citizen
1324 14th Street
Port Townsend, WA 98368
360–379–2014

MTC–00018002

From: Josh Burroughs
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

I would like to express my feeling that the proposed settlement is wholly inadequate, and not at all in the public interest. In particular, the settlement does not set out any protections for those developing Windows compatible operating systems. The settlement provides for API disclosure, but only for ensuring compatibility /with/ Windows, which is to say /not/ compatibility with Windows applications for a Windows compatible OS. A Windows compatible operating system, capable of running Windows applications, is one of the most likely ways that a true competitor to the Windows monopoly can develop. Without leaving the door open for direct, compatible competition with Windows, the settlement will help cement Microsoft's monopoly in place.

Joshua Burroughs
Sarasota, FL

MTC–00018003

From: Gwen L. Veneskey
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

Dear Sirs:

This note is to add my voice to others who think the proposed settlement on the Microsoft case is a terrible miscarriage of justice. Microsoft has clearly abused it monopoly to destroy competition. This abuse has forced companies to close, cost jobs and hurt many people.

Microsoft's products, although, often times, inferior are being forced on the public because better products cannot compete with Microsoft's money and monopoly. This settlement does not address the problem and would do nothing to help those harmed or even to punish

Microsoft for its criminal behavior.

Sincerely,
Gwen Veneskey
219 Fingal Street
Pittsburgh, PA 15211

MTC–00018004

From: Steve Milton
To: Microsoft ATR
Date: 1/23/02 2:46pm

Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft. It fails to address many of the most vexing issues of Microsoft's business practices, and needs to be re-worked.

Stephen Milton
14115 NE 71st Place
Redmond, WA 98052

MTC–00018005

From: teh cheng
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

The Federal Microsoft settlement terms are near farcical. It's bad enough that Microsoft is getting a minor hand slapping... despite the fact that the court found them to be guilty of anti-competitive practices.

You now claim to be ''punishing'' Microsoft by ''forcing'' them to expand their market share in the educational segment?!?!

Ignoring the fact that this allows Microsoft to continue to pursue market share in the education segment (while claiming this is their ''act of contrition''), how does this deter Microsoft from repeating this behaviour?

Make Microsoft fund an education program with real dollars (aka no stock, equipment and/or software donations). Then keep Microsoft completely out of the administration of that fund. Have non-biased 3rd parties manage the fund and allow the beneficiary schools to make the purchasing decision that's best for that educational institution.

After spending years and millions of tax dollars, this is very dissapointing.

Teh Cheng

MTC–00018006

From: negge
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I think settling with Microsoft is a bad idea.

Nathan Egge

MTC–00018007

From: Jeff Jenkins
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement proposal with Microsoft is ridiculous. Please re-submit something that will allow competition to be un-restrained in the tech industry.

Jeff Jenkins
San Jose, Ca.

MTC–00018008

From: Ted Bardusch
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed settlement in the Microsoft anti-trust case.

I have been a professional software developer for 24 years, in the Seattle-Redmond area. I have seen Microsoft grow from a small group in a Bellevue bank building to the huge firm they are today.

In my personal and professional opinion, Microsoft has done major harm to its customers and to US citizens by abusing its monopoly position in the market. It has restricted choice, forced bad solutions on customers, and caused major expenditure that was unnecessary.

However I am loathe to bind the company from doing what it does do well—produce software profitably.

Therefore I suggest as a solution:

Require Microsoft to issue full specifications six (6) months before releasing any software in which they have a monopoly position (operating systems, office software, browsers). This would allow true competition while not causing any undue burden on Microsoft, and would not hinder their innovation nor their profits, unless some other firm did something better that was built on their monopoly products.

Thank you for your consideration

Ted Bardusch
Mill Creek, WA

MTC–00018009

From: Mark Connolly
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I believe the remedy presented in this letter would result in dissolving a company with tremendous ability and desire to protect a counterproductive monopoly while preserving (and making stronger) the positive economic impacts of the company known for now as Microsoft. Microsoft would be partitioned into three new companies that would own:

1. The host operating systems, including the DOS-based Windows variants, Windows NT, and Windows NT followers (Win2K Professional, Server, Advanced Server, Enterprise Server, and XP). This partition would include such things as IIS, SQL Server, clustering services.

2. The network operating system, including .Net, Active Directory, MSMQ, OutLook.

3. Development environments and desktop applications. This includes the integrated development environments (Studio, etc), the team development repositories, the computer aided design tools, as well as productivity tools (Microsoft Office, etc).

For a period of seven years, each would be prohibited from getting into the others'' particular domain (the ones without an operating system product at the time of the breakup would not be able to produce their own operating system, etc).

At first, these three entities would be highly reliant on each other, as each has technology required by the other. They would also have a bit of advantage over other companies for forging relationships among themselves. The fact they are separated would force more openness for design and interfaces, however, and over time this openness coupled with competitive efficiencies should result in a broader market with many players. It is possible one of these companies would not survive in the long term, but that is okay, and a reflection of real competition.

As far as for fines for past misdeeds, real dollars should be taken from Microsoft, not bartered software and hardware. Making schools recipients is fine, as long as the side effect is not Microsoft expanding it presence in school systems. The delivery of largesse should be decoupled from the source of the largesse. A general fund should be opened for supporting education. The dollars should not be restricted to spending on technology (books and supplies are needed in too many places to worry about technology; a good fundamental education makes picking up the intricacies of using a spreadsheet a trivial exercise, while training on how to navigate the menus of a spreadsheet program does not require any real learning). Microsoft can be one of the contributors to the general fund, say one billion real dollars to start with, but Microsoft has nothing further to do with the dollars. Of course, they are welcome to contribute in the future.

Mark Connolly
8804 Red Oak Court
Raleigh, NC 27613
919–676–6165
mailto:mark—connolly@acm.org

MTC–00018010

From: pmitros@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I believe the current settlement is overly weak, and does not answer most of the antitrust issues relevant to the current market situation. At this point, the only real remaining competitors to Microsoft's operating systems monopoly are Macintosh and Linux. Microsoft is keeping Apple in its back pocket through it's Office monopoly. The wording of the settlement does absolutely nothing to prevent Microsoft from continuing antitrust tactics against Linux. It is absolutely critical that Microsoft be forced to publically open its protocols and proprietary file formats. If getting access to the specs requires NDAs or a strong commercial presence, it is completely pointless, as free/open source software cannot respect those NDAs. NDAs do nothing to protect Microsoft's legitimate actions, as the reason for releasing those specs is so it's competitors can develop competing products.

The rest of the settlement seems far too weak as well. Microsoft pushed achieved its monopoly position through illegal antitrust tactics. It continues to use illegal tactics to hold this position. It is absolutely critical that the government take real action to, at the very least, stop Microsoft from continuing these tactics, and ideally, make remedies for actions already taken. The current settlement doesn't even stop Microsoft from continuing.

Quite frankly, I'm fed up with the repeated antitrust lawsuits against Microsoft, resulting in only changes no longer relevant to the current marketplace. It's critical that the actions taken this time around be stronger, and flexible enough to match the current market; not just that of five years ago.

—Piotr Mitros
MIT Artificial Intelligence Laboratory

MTC–00018011

From: friend—rick@ucwv.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I would like to point out two major problems with the PFJ. The PFJ doesn't take

into account Windows-compatible competing operating systems. This is a glaring omission that should be addressed. Also, Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. The PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ should help eliminate the Applications Barrier to Entry, not contribute to them.

MTC–00018012

From: four5zero@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

Hello from Canada,

I'm a member of the Montreal Linux User Group http://www.mlug.ca/ and provide free software to community centers on used computers. The BIOS is replaced with a DiskOnChip from http://www.m-sys.com/ and flashed new boot code to load Linux http://www.linuxbios.org/ MicroSoft sells Pocket PC devices with Windows CE embedded today & will continue to do so to control a market with their own code. MSN is a ATM based private network of services combined together AOL is a ATM based private network of services combined together Linux is not a new company or isp provider http://www.kernel.org/

http://www.linuxdevices.com/ Hardware
http://www.directfb.org/ Interface
http://www.tvlinuxalliance.org/ TV
http://www.linux.org/groups/ Users
http://www.openprojects.net/ IRC
http://www.linuxdoc.org/ Documentation
http://www.schoolforge.net/ Education
http://www.linuxcertification.com/ Exams
http://www.linuxtoday.com/ NEWS

MTC–00018013

From: Adam Jenkins
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I am writing to express my opinion that the proposed settlement is a fair and efficient means to ensure the public's interests are protected in future. It addresses the concerns of the original action, and I feel too many of Microsoft's competitors are really just trying to urge the DOJ to do as much damage to Microsoft competitively as possible, in order to bolster their own interests. The losers of a harsher settlement would be the consumer, and ultimately businesses all over the world. Please by all means monitor Microsoft's accounting and business practices/plans to make sure they are not taking unfair advantage, but also please ensure that the often very innovative work of a great company does not suffer in the process.

Regards,
Adam Jenkins
Melbourne, Australia —
Adam Jenkins (jenky@suburbia.net)

Those who make peaceful revolution impossible will make violent revolution inevitable.

—John F. Kennedy

MTC–00018014

From: Jim Landon
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

My concerns and comments regarding the final judgment of U.S. v. Microsoft:

1) MSFT should be required to allow their Internet Explorer and Office products to function seamlessly under alternative operating systems designed to operate in an x86 platform (Intel, AMD processors). Examples of alternative operating systems include Solarix x86, *BSD, and Linux.

2) MSFT should not be allowed to load any MSFT Windows based operating system on the machines that Microsoft is donating for educational purposes. Rather, I highly encourage the government see to it that an open source operating system be used on these machines. Open source is defined as application source code being made freely available for review by anyone.

3) Exclusively for security purposes, MSFT should be required to relinquish core operating system source code to any government agency that operates any Microsoft operating system internally. Thank you for your concern and for granting me the opportunity to voice my opinion.

Respectfully,
James Landon
9154 Riggs Lane
Overland Park, KS
(913) 383–1085
''Absolute Power Corrupts Absolutely.''

MTC–00018015

From: SI Reasoning
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

Please do not allow the farce that is the Microsoft Settlement to be implemented. I am the CTO of a small business and I also do a lot of purchasing. I know firsthand the outrageous amount of money we are forced to spend on Microsoft products because of a lack of competition that has been created by Microsoft's monopolistic behaviors. Here are some of the problems I run against.:

We have been trying to implement a terminal server based system in the office. We have been forced to use Microsoft products because of the interaction necessary with several of our business partners. We are way to small to be able to lead in this area, even though we know better. The problem is, it used to be that you would consider software to be about 20–30% of your overall purchase of the machine, but because of competition in the market place in hardware and monopolistic tendencies in the software domain, the cost of buying our operating system, alone, is now 50% of the system costs. I recently bought a PIII 750 Compaq Server with 2 gig ram, 3 scsi Ultra2 36 gig 10,000 rpm hard drives, raid, etc for around $1000. To update to an older version of Windows server (Windows 2000 with 25 CAL's) will cost us over $1000. Then if we want to do a terminal server solution, the cheapest price I have seen is $1,400 for 20 terminal server licenses. Then we have to buy the office software to run it. The cheapest price to buy an upgrade to Office XP is $255 each! So that would be an additional $5,100 for 20 users. The unfortunate thing is, it does not stop there. Because of the lack of competition, Microsoft forces us to buy over DOUBLE the licenses we need to implement the system. The problem is that we want a system that is available to our employees both in the office and away from the office. But because of the way they form the licenses you do not buy it per user but per computer. This means that we have to have a license for the office, for the home, and if they are on the road and need access in a hurry, any other computer that they end up having to use. It is a pricing nightmare and a huge strain.

As you can well imagine this puts an incredible hardship on small companies like us, esp during depressed times when we are having to cut costs in many areas. The pricing scheme is very predatory and it is obvious by looking at hardware what healthy competition does to pricing.

Please do your part to restore competition in the software industry!

SI Reasoning
Chief Technology Officer
Protection Products, Inc.

MTC–00018016

From: Justin W Rude
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement.

MTC–00018017

From: Collinge, Douglas TRAN:EX
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I am a Canadian but the Microsoft monopoly is a global issue. The software market is so perverted by Microsoft's business practices that it will be impossible to call it a ''free market'' for years, regardless of the remedies ultimately imposed. The current proposed ''remedy'' is nothing more than a license for Microsoft to continue business as usual, which will eventually result in extension of their monopoly to nearly every aspect of the Internet infrastructure.

Douglas J. Collinge,
Victoria, BC,
Canada

MTC–00018018

From: peter.jolles@ps.ge.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I am writing to express my disaproval of the proposed Microsoft antitrust settlement.

I feel that the ruling will do nothing to correct or punish Microsoft's previous actions. The damage to many other companies has already been done, and while there may be little that can happen to undo what Microsoft has done, it itsn't just that Microsoft should benefit from their previous actions.

Sincerely,
Peter Jolles
1745 Hickory Grove Way
Acworth, GA 30102

MTC–00018019

From: David Walker
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

Dear DOJ

I have been working in technology for the past 15 years, and feel compelled to write you to regarding the U.S. v. Microsoft proposed final judgment. In the early 90's there were many companies selling products to enhance and extend the computing experience. At the time I was working for InfoWorld where I was responsible for finding and reviewing these products. It was at InfoWorld that I saw these products fall to Microsoft predatory practices. Microsoft began selling their Office suite, at a loss to gain market share, and one by one competitors fell because could not match the pricing.

Undercut by so much, they had to stop making their products. Lotus, Borland and others simply got out of the business of productivity software. Microsoft made late changes in Windows 3.1 to make it incompatible with DrDos (an OS competitor) just before release. This forced users of DrDos to purchase DOS.

We at InfoWorld discovered this incompatibility, and broke the story at the time. And the list goes on....

It is clear to me, and many Americans as well as the court, that these actions by Microsoft were illegal. The current judgment against Microsoft is not sufficient to stop these practices.

I believe that any judgment that does not include splitting Microsoft into two companies, OS and Applications, is not sufficient. At the very least, however, the current judgment needs to be strengthened to provide more protection against Microsoft's ability to create barriers to ISV's creating non-Microsoft operating systems. In order to compete in the OS space ISV's will require the ability to emulate the windows API. The settlement needs to take this into account and provide some protection against Microsoft for these companies trying to compete in the OS market.

Specifically the judgment needs to be amended to ensure:

1. Microsoft provides timely notice of all API changes (at least 8 months)

2. Microsoft must document all API's used by their products

3. Microsoft must disclose all software patents that apply to the windows API

4. These requirements must be applied to all Microsoft operating system products (XP, Pocket PC, and any other current or future OS product) Without strengthening the judgment in this way ISV's will fall prey to continued predatory and monopolistic practices of Microsoft.

Thank you for your time.

David Walker
PO box 51
Pescadero, CA
94060

MTC–00018020

From: Geoffrey
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

Regarding the proposed settlement I have many concerns, but will voice the greatest failings I find in this document.

1. There is no provision/requirement that Microsoft must share/publish the Microsoft software file formats. This is in regard to, but not limited to Microsoft Office software package which includes Word, Powerpoint and Excel formats. Microsoft routining changes these formats which makes it very difficult if not impossible for vendors of similar products to compete with the imbedded base of Microsoft Operating Systems, which use, for the most part, Microsoft Office based software packages.

2. Although there is a provision that Microsoft may not stop OEM computer manufacturers from providing dual booting Operating Systems on there machines, there is no wording that would stop Microsoft from contractually forbidding the OEMS from selling computer systems that have soley a non-Microsoft operating system.

3. There is no provision to permit a end user to sell his/her ''share'' of their version of Microsoft Operating Systems. An end user should be permitted to do so.

4. Microsoft licensing should not dictate what Operating System the user must used when purchasing software packages. For example, if I purchase Micrsoft word, I should be able to run it on any Operating System I deem fit.

5. The continuation of Microsoft ownership of the dominant and monopolistic operating system market as well as the dominant and monopolistic Office software package (Microsoft Office) will continue to enforce Microsoft's current monopoly strangle hold on the current computer desktop. A reconsideration should be made in revisiting the possibility of breaking this company up.

6. The primary executive staff of the Microsoft corporation, which includes Bill Gates, Steve Ballmer and others that should be determined, should be removed from the control of this company. They should be barred from having any ownership, influence in any computer related business. This company has virtually destroyed the computer desktop environment. We could be so much further along, so much more productive if it were not for this innovation stifling company. 3. —

Until later: Geoffreyesoteric@3times25.net

''...the system (Microsoft passport) carries significant risks to users that are not made adequately clear in the technical documentation available.''

- David P. Kormann and Aviel D. Rubin, AT&T Labs—Research

- http://www.avirubin.com/passport.html

MTC–00018021

From: huott@suntest2.crd.ge.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

To whom it may concern:

I am strongly opposed to the Proposed Final Judgment in United States v. Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). I do not believe it will remedy the wrongs caused by the Microsoft monopoly nor will it do enough to prevent Microsoft from continuing monopolistic behavior in the future. As an engineer and consultant who has worked for many years in the computer and software industry, I believe Microsoft's past and ongoing behavior has done and continues to do serious damage to competition and innovation in the field. It has had a negative impact on my livelihood and, worse, my ability to propose the best, most reliable and cost effective solutions for my customers and employers.

The drawbacks to the proposed settlement are many and have been well documented by many others far more articulately than I can express here. The following link is a good place to start for reading some of these opinions, the majority of which I agree with wholeheartedly (see the section ''Essays''):

http://www.kegel.com/remedy/

Please do not let this flawed settlement turn Microsoft into an effective state sponsored private monopoly. That is the absolute *last* thing our down economy needs right now.

Sincerely,

<ED> —
Ed Huott
Information Management Services
GE Corporate Research & Development
Schenectady, NY
(518) 387–6541

*Note: The opinions expressed here are my own and do not necessarily reflect those of my employer or the General Electric company.

MTC–00018022

From: Doyle Seppala
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

The settlement must not stand. Over one hundred years ago, the combination of lawmaking (Congress) and law-defining(Supreme Court) bodies laid down the antitrust laws that say despite the fact that we are a free enterprise based society, we are not free as corporations to do whatever we like. One can draw the comparison of personal freedoms. We have pretty much free reign to do most anything we like so long as it does not harm others. I can freely walk down Main Street with an arm tied behind my back, wearing a silly look on my face, and skipping every third step. People might consider me odd, but I can do it. If I choose to do this with the added strangeness of firing a bazooka into the air every third step, I should hope that I would be rapidly stopped from endangering others.

Microsoft should have the right to bundle whatever they wish into a software package. That is their right. They should not, however, then force OEM's to make us buy that package, which is the current situation. The proposed settlement would codify Microsoft's behavior, encouraging them to require that all software sold by their partners be Microsoft software. The record shows quite clearly that this convicted monopolist will take whatever steps necessary to circumvent or eliminate any person, company, or law which stands in the way of Microsoft's goal of total ownership of all software markets, including the Internet.

Please take future generations into consideration when deciding this issue. I don't want my children to be force-fed a specific company's idea of software. I want there to be fair choice.

Thank you,

Doyle R. Seppala

MTC–00018023

From: Emmett the Sane
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

NO on Microsoft Settlement!

I do not condone the settlement with Microsoft currently under public comment. The antitrust case has been so clearly and painstakingly laid out against this company that anything short of a structural remedy would be an obvious sell-out.

Even as a conduct-only remedy, the proposed settlement is weak and ineffectual. It has been demonstrated that Microsoft achieved a leading market position with many software products through serious antitrust infringements, and not through honest business practice.

Under the proposed settlement, Microsoft would simply continue that practice with very minor changes. The OS, desktop, server, web browser, word-processing, spreadsheet, and other markets would look exactly the same in five years: barren of serious competition.

Thanks for your time,

D. Emmett Pickerel
524 Monterey Rd #1
Pacifica, Ca 94044

MTC–00018024

From: Roger Sinasohn
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

I and my family are opposed to the proposed settlement with Microsoft for many reasons. Especially concerning is the failure of the settlement to address Microsoft's potential use of intentional incompatibilities as a means to sabotage competing operating systems and applications. Microsoft has in the past used this technique to eliminate competition from Digital Research's DR-DOS operating system.

As one who spends a fair bit of time supporting computers in public schools and the teachers that use them, I have seen first-hand the problems with Microsoft's monopolistic acts. As a computer professional for over 20 years, I have seen the stagnation of innovation in the computer industry caused by Microsoft's anticompetitive practices.

Please reject this settlement and develop something which will adequately censure and penalize Microsoft while ensuring that they are unable to continue their illegal acts.

Thank you.

Uncle Roger
roger@sinasohn.com
Roger Louis Sinasohn & Associates
San Francisco, California
http://www.sinasohn.com/

MTC–00018025

From: Alan Beagley
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

To Whom it May Concern:

I wish to record my opposition to the proposed settlement in the Microsoft Antitrust case.

I oppose any settlement that will make it easier and cheaper for educational institutions to use Microsoft operating systems and application software, as this will result in even greater numbers of students coming to believe that Microsoft products are the only things that make a computer work at all.

I believe that Microsoft must be prevented from penalizing computer manufacturers who choose to offer computers with non-Microsoft operating systems or without an operating system at all. I believe that Microsoft must be prevented from imposing licensing restrictions that prevent users from using Microsoft application software (or programs created with the aid of Microsoft programing tools) on Windows-compatible non-Microsoft operating systems such as OS/2, eComStation, and Linux.

Yours truly,

The Reverend Alan Beagley, B.A., B.D. (Honours), Ph.D. Pastor, Researcher, and Computer User

MTC–00018026

From: Jeff Sturm
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I'dd like to add my voice to those citizens opposed to the proposed Microsoft settlement. The proposed remedy is inadequate in numerous ways, including:

1. Inadequate protection for OEMs who ship competing products

2. Insufficient disclosure of trade secrets (Windows APIs) that Microsoft leverages to maintain its monopoly status

3. No real enforcement mechanism, other than the legal system For these and other reasons I feel the settlement as it stands cannot prevent Microsoft from continuing to abuse its monopoly power.

Jeff Sturm
i33 Communications LLC
Detroit, MI
jeff@i33.com

MTC–00018027

From: Liam Cross
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

I'm bothered by the language in section III(J)(2) against not-for-profits. Why does Microsoft get to treat these worse than it has to treat for-profit competitors? This shouldn't be written into the settlement, especially since Microsoft's biggest OS competitor is Linux, a free piece of software.

-William Cross
4100 Bison Ave #52A
Irvine, CA 92612
wcross@uci.edu

MTC–00018028

From: Patrick Dufour
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I really believe the settlement is a bad idea and an incentive to promote unethical behavior in the business environment.

Patrick Dufour
OnLine Learning International
37 Thoreau St.
Cambridge, MA 02140
(978) 371–4952

MTC–00018029

From: Mark Deckert
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I believe that the proposed settlement isn't enough. The National Association of Attorneys General (www.naag.org) has a much better alternate settlement proposal.

Mark Deckert
4629 Utah St. #6
San Diego, CA 92116

MTC–00018030

From: Charles Hixson
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: No.

The settlement proposed is grossly biased towards Microsoft. They should not be so rewarded for their criminal activities. The limitations imposed seem to be rather trivial considering the gross and severe and repetitive nature of the offenses. This is not the fist time that Microsoft has engaged in monopolistic abuse. I don't believe that it's even the first time they have been convicted. And considering the amount of time and effort that needs to be expended to even bring such a mamoth beast to court, to impose a trifling penance is at best unwise.

A fair decision would break Microsoft into pieces, each one no larger than the largest of its remaining competitors (basically Apple Computer). I recognize that this is politically unacceptable, but this appears to be less than a slap on the wrist.

I suppose that it could be argued that Apple is basically a hardware company, in that case I would argue that the pieces of Microsoft should be no larger than the software division of Apple.

I have been quite offended by Microsofts blatant abuse of it's monopoly. I've also be somewhat injured, though just how much would, I admit, be difficult to determine. But I count perhaps 1/3 of the system crashes and lost data events as injury by Microsoft. I count perhaps 1/2 of the time spend fighting and recovering from computer viruses as injury by Microsoft. They have blatently and persistently ignored pre-existing standards of good professional practice. They have cut corners in a way that would have put a contractor out of business quite quickly. They have sabotaged their competition in markets both large and small. They have leveraged monopolies in some areas into first advantage and then monopoly in other areas. They have misappropriated code, and when the owner complained, put them out of business. Etc.

Sincerely,

Charles Hixson

MTC–00018031

From: Robert Kennedy
To: Microsoft ATR

Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

I am writing to comment on the the proposed final judgment in the Microsoft settlement. I do not believe that the proposed settlement addresses enough of Microsoft's practices for it to be effective. It also appears to leave ''loopholes'' that Microsoft can use to manipulate its business partners.

My main concern is with the mystery of the Microsoft file formats. In my mind the stranglehold Microsoft has on the format of office documents prepared with their software presents the greatest barrier to entry for alternative office products and alternative operating systems. The proposed final judgment has no provisions for the ability to reverse the damage of years of anticompetitive practices in this arena. I added my name to the petition put forth by Dan Kegel which addresses this and many other concerns about the proposed final judgment.

Thank you for your time,
Robert Kennedy

MTC–00018032

From: Bill Werle
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

To whom it may concern,

This settlement is a bad idea and will only serve to enhance Microsoft.

Bill Werle
Interlink Advantage
509–455–3443

MTC–00018033

From: Najati Imam
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

Perhaps the most unsettling thing I see is that due to the lack of provisions to open the market the monopoly will not be resolved. Namely, due to their present file formats not being opened competing software development companies will not be able to create software to offer to end-user companies already entrenched in Microsoft software as viable options. Due to the volume of information already stored in closed formats, unless these formats are opened the entire settlement will be for naught.

Thank you for your time,
Najati Imam
''Mustard?! Don't lets be silly.''
-The Mad Hatter

MTC–00018034

From: Curtis C. Chen
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is flawed, and should be reconsidered.

Curtis C. Chen

MTC–00018035

From: Vlad Imshenetskiy
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

I don't think that the proposed settlement will do much for the companies competing with Microsoft and thus antitrust in the US.

Sincerelly,
Vladislav Imshenetskiy
Vlad Imshenetskiy
Kernel Developer, Netcool/Precision
Micromuse, Inc.
New York, NY
Tel: 212–635–3131 ext.123
E-Mail: vim@micromuse.com

MTC–00018036

From: Andrew Abdalian
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Sir or Ma'am,

Pursuant to the Tunney Act, I am addressing this letter to you to state my opinion concerning the current case pertaining to Microsoft's violations of the Sherman Antitrust Act.

I have followed this case closely, as I have been concerned about Microsoft's anticompetitive practices for years. The case seems very simple, in my estimation. Microsoft blatantly used its influence as owner of the Windows operating system (OS) to ''encourage'' users to switch Internet browsers from Netscape's Navigator/Communicator to its own Internet Explorer. This is only one of many in a series of anticompetitive practices:

-the theft of Apple's graphical user interface (GUI) on which Windows is based
-the threat of cutting support for the Macintosh version of its Office suite because Apple refused to stop using its QuickTime technology, which competed directly with Microsoft's own Windows Media Player.

All these and more are evidence enough that Microsoft cannot be trusted to use its influence only in accordance with the law. Now, a proposed settlement has come about which does little more than ensure that Microsoft plays by the rules. I think that this is the first step the government has taken in the right direction, but it should not be the last. In the proposed settlement, there is no section which requires that Microsoft be reprimanded in any way for the harm they have caused to the free market, competitive economy. Microsoft has spent years regaling in stomping out small upstart businesses, either by buying them out, or with such examples as Netscape, which grew too big to simply stamp out, using their operating system to effectively lock competitors out. Code in Windows was manipulated in such a way that no browser could be as efficiently implemented in the Windows operating system as internet explorer.

Stronger action must be taken against Microsoft considering its history of success and most of its gains have been enabled solely by illegal and anticompetitive means. The company must be restricted in some manner, not just slapped on the wrist and told to play nice from here on out. Microsoft has shown that it has no intention of playing nice, and that it knows how to bend the rules to its benefit. This can only be prevented through stricter restraints on the company. I leave it up to the Department of Justice to determine what these restraints entail; whether they choose to split up the company as Judge Jackson wisely recommended, or whether they only choose to restrict its ability to market internet-capable applications as a part of its Windows software is a matter to be worked out with the states who are filing the complaint. Microsoft's proposal of ''donation'' of computers to underprivileged schools, which would result in Microsoft's subsequent domination of the education portion of the computer market, would completely undermine the purpose of this case. Such an act, or any variation on that theme, would strengthen Microsoft's monopoly power and allow it to muscle around the competition more than it already does. If such a remedy is achieved, another antitrust suit will surely become necessary in the near future. With taxpayers in mind, please exclude this possibility from your list of possible remedies.

Thank you for reading and considering the suggestions of the public as you come to your decision, instead of relying only on Microsoft's near-perfected tactics of presenting its own favorable—and completely fabricated—version of public opinion.

Sincerely,
Andrew Abdalian, a concerned citizen.

MTC–00018037

From: rossi@math.udel.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Ms. Renata B. Hesse,

I am writing to express my concern about the Department of Justice's proposed settlement in the Microsoft Antitrust case. There is no question that Microsoft has done irreparable harm to the US economy and US consumers by stifling or ''acquiring'' superior products and technologies, and limiting consumers'' choices of operating systems. This matter has been decided in federal court.

Unfortunately, the settlement proposed does not effectively curb Microsoft's monopoly power. They still integrate and bundle Explorer into their operating system forcing Netscape, which is a comparable if not superior product, into an ''add-on'' status. The same is true with their media player product. In fact, Windows is riddled with a variety of services (called middleware) that are bundled in with their OS in an attempt to wipe out competition by reducing them to ''add on'' status.

The key issue is that the manufacturer of an OS is using their position unfairly to make their applications more competitive. In the past, they have hobbled their standard API's that competitors must use, and reserve more optimal ''back door'' subroutine calls for their own products. Developers need full access to Windows API source code. OEMs ought to be allowed to high third parties to modify Windows to suit their hardware needs. Finally, the current DOJ deal relies on OEMs to provide a competitive alternative to Windows while the settlement does nothing to restore competition as is usually the case with antitrust resolutions.

I think Microsoft makes a fine product, but their actions have caused many other fine products from ever appearing on computers.

This activity is un-American and serious controls should be placed on Microsoft to control their practices. Sadly, the settlement hardly comes close. Please serve the American people by revising this settlement.

Sincerely,
Louis Rossi
CC:rossi@math.udel.edu@inetgw

MTC–00018038

From: Christopher Nebergall
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the current proposed settlement with Microsoft and I disagree with it in its current state. While it does try to prevent Microsoft from continuing its anti-competitive practices, it does nothing to punish them for their past actions. The mere presence of a monopoly like Microsoft damages competition. Since any plans to break up the company seem to have been abandoned at least consider altering the settlement to help level the playing field between Microsoft and its competitors.

Sincerely,
Christopher Nebergall
2620 S. Lightfoot Rd
Farmington IL 61531

MTC–00018039

From: Jeff Post
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Sirs,

Regarding the proposed settlement in the Microsoft antitrust trial, please record my opinion that the proposed settlement does little if anything to protect consumers and businesses from the crushing forces of Microsoft, and I oppose the settlement.

The reason my opinion is significant is because I am not affiliated with any of Microsoft's competitors, the amount of money I have given to Microsoft, along with my reasons for my ''change of heart''. I am a computer enthusiast, and programmer. In years gone by, Microsoft courted developers, and I was eager to learn and use Microsoft technologies. I have purchased (not copied!) MSDos5.0, MSDos6.0, Windows3.1, Windows95, Windows98, isualBasic5.0, VisualBasic6.0, VisualC++5.0, VisualC++6.0, Excel97, and Word97. I have purchased indirectly (through the purchase of new computers) additional copies of Windows98, Windows95, and Word2000. I would seem to be one of Microsoft's biggest fans. It seems that Microsoft has no real competition in the PC market, and now that they dominate, they are trying limit MY right to innovate. They also want to control my personal information and my access to online marketplaces. This must not be willing promoted!

As a citizen of the United States, I urge the Justice Department to protect me, and other consumers and businesses from the rapidly expanding monopoly called Microsoft.

Sincerely,
Jeff Post

MTC–00018040

From: Matt Rehder
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

The Proposed Final Judgment in the Microsoft settlement is terribly lacking in its scope of coverage, and in its abilities adequately enforce the rules it sets. The language of the agreement is far too vague, and allows for far too many loopholes. The Judgment does nothing regulate Microsoft.NET or the C# programming language, and it also fails to mention Micrsoft's latest push into the tablet PC industry and their strangle hold on the Pocket PC industry. The Judgment barely covers Microsoft's monopolistic business practice over the last five years, but it does absolutely nothing to slow Microsoft's monopolistic powers in the present and future market.

The Judgment as it stands now is an utter failure. It will do very little erode the Applications Barrier to Entry, because of its vague language, and outdated status. Also, the Judgment provides no special mean beyond law enforcement to enforce the settlement. The Judgment should at a minimum provide for a technical committee with investigative powers to ensure that Microsoft is following the new rules laid down. If this Final Judgment is agreed upon it will do nothing to hinder Microsoft's monopoly, and only lead to more legal action by Microsoft's many crushed competitors in the future.

Matthew Rehder
Network Operations
University of Washington

MTC–00018041

From: Jena
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' The wording is too broad in regard to specific vendor issues. This is an easy exploit to take advantage of. There should be a uniform pricing structure.

The proposal in no way denies the fruits of the violation to Microsoft. The company has in effect stolen billions of dollars and countless technological innovations and placed itself as the governing body of computing. These billions should be distrubuted back into the hands of former competing companies and the trade secret file formats used by Microsoft should be opened to the public in order to even the playing field and give other companies a fair chance this time.

With the market control Microsoft enjoys, only strict government fines in the billions of dollars at the first sign of misconduct is enough to sway Microsoft from repeating its hostile takeover of the computing world. This is in addition to fines Microsoft, in my oppinion, owes for previous misconduct.

Thank you,
Jena Perkins

MTC–00018042

From: Matt Wright
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

I oppose the settlement.

Matt Wright (mw@mattwright.com) http://www.mattwright.com/

MTC–00018043

From: Steven Fuller
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

Hello,

I do not think the idea of having Microsoft provide their products to schools serves as a punishment, but more as a promotion.

1. Microsoft software is already heavily used in schools; this will allow them to have a larger presence.

2. This is an area Apple has tried to cater to, with special promotions to help schools afford hardware/software.

3. Software is something that can be shoveled out for free, because it is not a physical resource. (Example: Internet Explorer vs. Netscape Navigator, which was sold in commercial markets at the time) So, Microsoft is not paying for anything, even though they were supposed to be ''punished.''

4. The deal is only temporary, as after a few years, the licenses will expire and the schools will then have to pay Microsoft. If these schools are considered ''poor,'' where are they going to get the money in a few years? What a nice gift.

5. The idea that introducing Microsoft software into schools to provide students with the tools used in the workplace is a joke. It is unforunate that Microsoft software is so dominate that people see this as acceptable practice. Computer literacy is not about knowing how to use Microsoft Word; it's about knowing how to use a computer, and software/hardware diversity is an important part of this process.

Please try to find something that actually would work and not try to appease Microsoft.

Steven Fuller

MTC–00018044

From: Dan Cohen
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

The proposed settlement between Microsoft and the DOJ is inadequate and should be rejected.

The settlement fails to levy any fine against Microsoft. Microsoft should be forced to relinquish any ill-gotten gains from its illegal behavior. Any revenue gained from the sale of products or services that could not have been sold if Microsoft had not illegally extended and maintained its monopoly should count towards these ''gains''. Interest on the revenue should count too.

All of this money should be given back. It is likely that the amount is in the tens of billions of dollars. So be it. The fine must be large enough to effect a behavioral change on Microsoft's part, otherwise it will be seen as a mere ''cost of doing business.'' Corporate

crime must not pay. In addition to the aforementioned omission, the existing terms of the proposed settlement have multiple flaws. The most significant are these two:

1. The Technical Committee put in place by the terms of the settlement would have no real enforcment authority. It cannot fine Microsoft for noncompliance. It cannot make public statements about its activities. Without either ability, it is unlikely that it will be able to change Microsoft's behavior in any way.

At best, the Technical Committee can extend the terms of the final judgement for two additional years. Since the TC's enforcement powers are insufficient, extending the duration of enforcement would be senseless and a waste of taxpayer money.

2. Microsoft may withhold technical information on ''security'' grounds. However, security is a pervasive aspect of technology at all levels. Thus the loophole of section J.1(a) is total.

Failing to provide an adequate punishment for a major corporate criminal will set a bad precedent for future cases, including whatever cases may emerge from the Enron debacle. No corporation, no matter how influential or economically significant, should be above the law.

Yours Truly,
Daniel Cohen
Senior Application Developer
(781) 266–2258
Knowledge, Inc. 430 Bedford St., Lexington, MA 02420
http://www.iknowledge.com

MTC–00018045

From: John Fusek
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

Gentlemen;

It is my opion that the settlement as proposed is a bad idea. It would have a negative effect on the software industry and the country as a whole.

John Fusek

MTC–00018046

From: KStormberg@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft settlement

Dear Sirs:

I am a Republican, voted for G. W. I like a lot of what he has done since being in office. However the Justice department seems to be in another camp. First the Microsoft debacle and then Enron and allowing them to shred documents even up to last week.

Software was my field before retiring and I can see what Microsoft has done to competition maybe better than some others. Anybody can see how arrogantly monopolistic they are, just from their public behavoior. Please start doing what you are appointed to do. Take care of our business environment. Enforce the law! This is not a difficult situation to analyze, especially for good, honest, Republican lawyers.

The proposal that they donate their software to schools is so much of an ''in your face'' gesture that anyone should be offended.

If anyone has taken the trouble to read this, thank you.

Regards, Bob Stormberg

MTC–00018047

From: Maurice Rickard
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement

I am deeply concerned about the DOJ's proposed settlement with Microsoft. The remedies outlined in the Proposed Final Judgement (PFJ) fail to address a number of Microsoft's anticompetitive practices, and ignore completely the many venues in which Microsoft pursues, protects, and extends its monopoly:

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Until these and other problems with the PFJ are corrected, its remedies for Microsoft's anticompetitive behavior are indeed no remedies at all.

Maurice Rickard
http://mauricerickard.com/

MTC–00018048

From: Peter Smith
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I am deeply disheartened by the actions Microsoft has taken to solidify their current market position. I feel letdown by the DOJ in their lackluster quest to impose just punishment on Microsoft. Although Microsoft has been found to be a Monopoly, who used it's dominance to destroy their competitors, they continue with their old antics; for example, in Microsoft's latest release of Windows XP they have integrated Windows media player into the OS... sound familiar? How can Real Player and Quick Time compete with this? The DOJ must take into consideration the consumers'' perspective. The consumer will use what is given to them; they won't pursue an alternative to the integrated functionality of the Operating System. How about the content providers?

Why would they use any other media utility? Once Windows XP is mainstream, Microsoft will have nearly 100% market share in the media player market... Why would the content providers use any other media utility? Furthermore, with Microsoft's dominance and potential saturation of the media market, what are users of non-Microsoft operating systems to do? How are the development communities of Open Source software and Mac OS Developers to compete? Can we allow Microsoft to embrace standards and ''extend'' them into incompatibility with legacy systems, furthering the divide between traditional UNIX servers and Microsoft's desperate attempt to dominate the server market (i.e. Kerberos)?

I propose this resolution that Microsoft be ordered to publish all APIs', Frameworks', Server Protocols, File Formats, or any such information (perhaps excluding the Intellectual Property that is source code) that the development community needs to interface with or create emulation of all current/future Operating Systems and their related services.

Thank You,
Peter Smith

MTC–00018049

From: Steven Grimm
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I'm writing to express my displeasure with the proposed settlement with Microsoft. It fails to address a critical issue that will allow Microsoft to continue to shut out competitors: Microsoft's tendency to use proprietary, undocumented file formats for the output of its applications and its operating system components. I believe Microsoft should be required to fully document all its file formats. This will level the playing field in many Microsoft-dominated areas.

A simple but ubiquitous example is Microsoft Word. If I compose a Word document and send it to you, you have three choices. You can read it with your copy of Word (which means you'll have to go and buy Word). You can read it in a stripped-down, but still essentially correct, form using Windows'' built-in Wordpad application. Or you can try to read it with StarOffice or another competing program. I say ''try'' because chances are if I've done anything unusual in the document, the non-Microsoft products won't be able to interpret it correctly and will give you garbled results. This is a direct consequence of the fact that

the develolpers of competing applications must all reverse-engineer Microsoft's document format, and given the format's complexity, that's next to impossible to do perfectly.

Requiring Microsoft to document its file formats would allow competing developers to build tools that would interoperate with Microsoft's. And it wouldn't be a crippling blow to Microsoft; they would still be free to produce the most feature-rich, efficient software for reading their documents, and they'd be free to innovate as they saw fit, so long as the results of their innovation were made public.

There would be other important benefits as well. A lot of corporate and government documents will become lost to future historians if they're in a format that Microsoft has long since stopped supporting. Making the formats public means it will always be possible to go back and correctly decode old documents.

There are other problems with the settlement as well, but for me this one is the biggie, and without addressing this problem, Microsoft will be free to continue making minor changes to its ubiquitous file formats such that competing products don't work well enough to be usable.

Thanks for your time.

–Steven Grimm

Computer programmer

Sunnyvale, CA

MTC–00018050

From: Ingles, Raymond
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

Like many other developers, I am rather disappointed with the Proposed Final Judgement in several respects. I feel that it does not punish Microsoft sufficiently for anticompetitive practices, but more importantly it will not effectively prevent such practices in the future.

To list a few brief examples: (1) The definition of ''API'' used in the PFJ is too narrow and does not include many critical features. (2) The PFJ does not mandate the publication of Microsoft file formats, which are critical to providing interoperability with the monopoly's products. (3) The PFJ does not require sufficient advance notice by Microsoft of technical requirements and API changes.

For these and many other reasons, I wish to register my dissatisfaction with the Proposed Final Judgement as it currently stands. Thank you for your efforts on behalf of the citizens of the United States.

Sincerely,

Ray Ingles (248) 737–7300

raymond.ingles@compuware.com

The above opinions are probably not those of Compuware, Inc. Yet.

MTC–00018051

From: fidvo ovdif
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement

As a professional computer programmer and hobbyist, I was shocked to hear about the grossly insufficient proposed settlement in the Microsoft Antitrust case. The proposed settlement only puts a few restrictions on Microsoft which will do nothing to encourage competition.

The danger of a monopoly in the computer industry is compatibility. Software must be compatible with hardware. Programs must be compatible with the operating system. I use Windows at home, not because it's the best operating system, but because all of the programs I run are compatible with and only with Windows. Any settlement that encourages competition must at the very least address this issue.

If there were ten different operating systems on which I could run my programs, there would be competition, and Microsoft could not use its monopoly unfairly. I do not necessarily mean that Microsoft should be broken up. If they were forced to publish all of their API's (Advanced Programming Interface— the code that links the programs to the Operating System) without copyright or patent, with a clause barring Microsoft from litigation against those who use these API's to develop competing operating systems, this would be sufficient. It would allows third parties to develop ! operating systems that would run the same programs, thus encouraging competition. Microsoft would then be forced to compete on the merit of its product, which is what true competition is about.

Once again, I consider this to be the bare minimum, without even addressing the numerous other issues. Any settlement that does not at least do this much is a statement that the Microsoft is more important than the law or the free market.

Sincerely,

Todd Hadley

77722 Dugan Rd.

Cottage Grove, OR 97424

MTC–00018052

From: Gabriel Wilkins
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: the proposed Microsoft Settlement

This settlement is exceedingly unfair to everyone except Miscrosoft. Big business has no more rights than any American citizen, and we need to stop acting as if they do. Microsoft's arguments that if they are punished, the economy will suffer as a result are ridiculous: Microsoft's stranglehold on the market has already killed a vast amount of innovation as PROVEN in the findings of fact already. To allow in any manner a further stranglehold will be to delay the innovation that brings the future closer, and prove to the American people once again just how much corporate interests are the only thing that matters anymore.

The right choice, the economically sound choice, the American choice is to stand up to those who have wronged you, your friends, and your countrymen, and deal with them appropriately. This proposed settlement is not appropriate, it is limp-wristed, and plays directly back into Microsoft's original goals.

–Gabriel Wilkins

MTC–00018053

From: McCann, Joe
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement Dear Sirs,

I am quite upset at the Microsoft Settlement that was recently announced. Why was there no mention of Microsoft's illegal agreements with system integrators to keep other operating systems from being available at boot time. This is a key component of keeping a boot heel on the neck of your competitors, and all under the guise of ''trade secrets''. This is no different than a street thug extorting money from a small business owner.

The true difference as the OJ Simpson trial proves is you can get away with anything, if you have enough money to buy enough lawyers and lobbyists. I am quite disappointed with this settlement in every aspect. You have sold out the American people for NO GAIN. You spent millions of dollars researching and prosecuting the this case only to fold like a spineless slug when the inevitable heat was turned up. I guess as an American I should be used to my government selling me out, but I am not. I wonder if this will be in history books as the trial that set the tone for the next century.

J. McCann

MTC–00018054

From: Bill Kristan
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I oppose the proposed settlement in the Microsoft antitrust case. Microsoft has already been found guilty of antitrust violations, and any remedy should prevent them from such violations in the future. The current settlement does not prevent them from continuing to illegally maintain their monopoly in any way. Any remedy for their illegal practices must at a minimum include the following:

1. Microsoft Windows should be provided as an extra-cost option when I purchase a computer. It is currently nearly impossible to buy an IBM-PC compatible computer without also buying MS-Windows, thereby forcing me to pay Microsoft for a product I do not want. Microsoft's willingness to punish computer manufacturers for offering computers with alternative operating systems, or computers with more than one operating system preloaded, is apparently responsible for this fact, and the practice should be discontinued.

2. Microsoft's file formats should be completely documented so that other software companies can write programs that are able to read and write native Microsoft files. Although I do not regularly use the Microsoft Office package, for example, the fact that it is not possible for me to read and write the binary MS-Office files that others send me has forced me to keep a copy of the MS-Office installed on one of my computers just to allow me to read the files. Furthermore, since MS-Office file formats are frequently not backwards-compatible I have in the past had to upgrade my copy of MS-Office even though I would prefer not to own it in the first place. The ''filters'' that other companies write for MS-Office files vary in quality, but none are able to preserve all of the formatting and content of the files. This

is not a technical necessity, but is rather a strategy by Microsoft to induce customers to buy MS-Office instead of competing packages, and force them to upgrade when they would otherwise be content with their current version.

Making the file format API public would solve this problem. I trust that in the Government's desire for a rapid resolution to this case that it will not abandon an attempt at an effective remedy. Microsoft has already been found guilty of illegally maintaining their monopoly position, and I hope that the Government chooses to honor its responsibility to the American consumer to prevent Microsoft from continuing in their illegal behavior.

Sincerely,
William B. Kristan, III
925 Camas St.
Moscow, ID 83843

MTC–00018055

From: John Courte
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

The settlement sucks. You know it, I know it, and the rest of the country would know it too if this issue had gotten the attention it deserved. Do not put up with this settlement. It is wrong. However many billions in trumped-up retail charges for software that costs them basically nothing is not a settlement. It's crap.

Make them open-source windows or give every business in the US free upgrades for the next 10 years.

MTC–00018056

From: Kevin Ruml
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement

I am writing in to let you know my point of view on why the settlement agreement is completely inadequate. I am in the computer industry, and have my MCSE (Microsoft Certified Systems Engineer), which I received to advance my salary at my previous job. I got it shortly after entering the computer field, because Microsoft was almost all we worked with—there was some Novell, but not worth mentioning. Prominent in the MCSE training books are sections on migrating to Microsoft servers from Novell servers. It seemed pretty neat at the time that Microsoft made it so easy. As I continued on working with computers, I learned a little more about Novell, and then got into Linux.

I realized that Microsoft was really a substandard operating system for servers, but completely owned the desktop. With this they did to me what they probably do to a great many computer technicians—lead them up the Microsoft food chain to their server operating system and away from anything else. A good friend of mine did this also, but unlike him I learned more than what Microsoft told me, and learned there was more and better out there.

Most people using computers do not learn more, but just enough to do their job. They do not care, or necessarily need, to know more. So the technicians and administrators do what they are told by their bosses, who use microsoft on the desktop and say to use Microsoft, or believe what Microsoft tells them about their products and wants to use them.

Is this a bad thing? Not necessarily, until you look at what Microsoft has done in the past. They were handed their desktop operating system monopoly by IBM, then proceeded to continually illegally maintain that monopoly.

Numerous stories, from the DRDOS issues to the more recent Netscape Navigator, show how Microsoft killed other products and companies. I think most people do not want to destroy Microsoft, just to make them compete fairly on the merits of their products. The remedies in the proposed settlement does not accomplish this. There are too many loopholes that even a simple change of terminology can get through, and not take into account possible future abuses. All remedies should take into account and apply to any new products Microsoft releases (XBOX, .NET, etc.).

So what to do? I do think that monetary punishment is necessary. Microsoft has been very successful and made a great deal of money with their illegal practices, and should be made to pay some back. How much and to whom? I do not know, but maybe free software to all U.S. government agencies for a period of time (Five years? Ten years? How long were they abusing their monopoly?) would be a good start. I am sure the U.S. government has been one of Microsoft's largest customers, if not THE largest. This would basically be giving the U.S. taxpayers, proven in court to have been harmed by Microsoft, money without all the administrative problems.

And as for remedies to keep them from abusing their monopoly in the future, I think the best idea is to simply have them reveal all Windows APIs and Office formats without discrimination. It should be published on their website for all to use freely for whatever reason. Standard ''document'', ''spreadsheet'', ''presentation'', etc. formats that every program uses, regardless of what company made it, would mean that the program that worked the best with the best features would do the best in the marketplace. That is competition, not trying to keep up with changes in Microsoft Office formats to keep upgrades regular. Microsoft Office is probably the biggest reason they keep their monopoly. Yes, it is available on the Mac, but the difference in price from Macs to PCs makes the difference to companies and consumers.

Also, Windows should not be pre-installed on all computers as default. A choice should be offered so that Microsoft does not get money for every computer sold. The consumer should have the choice of operating system, or none at all. Just a few thoughts.

Thank you for your time.
Kevin Ruml

MTC–00018057

From: hawks@night-hawks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I would like to submit my comments reguarding the proposed settlement of the case of the United States of America vs. Microsoft Corp. Action No. 98–1232 as provided by the Tunnely Act.

In my opinion, as a worker in the computer industry for over 7 years familiar with Microsoft (MS) products as well as a large number of other Operating Systems (OSs) and products, I do not feel the proposed settlement will significantly impact MS's current monopoly or its illegal activities as a monopoly.

While the settlement does provide for the release of API's for the Windows OS and communications protocols itself, it does not provide for the release of documentation of file formats used in its other products, specifically but not limited to the Microsoft Office Suite. MS's other software products besides the OS are a very large part of why MS has become a monopoly and can use that power in an illegal mannor. The vast majority of work done in the corporate world, is done using MS Office. Competing Office suites from Apple Computer, Sun Microsystems and others can not accuratly and completly interoperate with electronic documents produced using MS Office due to the closed file format. Forcing MS to release full and complete documentation of the file formats used for all of its products would have no direct effect on MS's ability to market or sell such products. It would however allow competing products from other manufactuers to properly interoperate with the defacto standard for electronic documentation in the corporate workplace. This single remedy would do more to halt microsofts illegal practices than any currently listed in the proposed settlement.

The settlement also limits to whom MS must release documentation about the Windows OS and communications protocols APIs to third parties that ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'', from Article III, section J, paragraph 2, subsectoin c. From the same paragraph, subsection d, the settlement proposes that any 3rd party ''agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API . . .''. Both of these provision can very easily be used by MS to prevent Open Source Software (OSS) projects from obtaining and using APIs from MS OSs or middleware products.

OSS projects have no viable business per se, as they are written almost exclusevly for the purpose of free distribution with out commercial gain. Also OSS projects are written by volenteers with out financial backing. MS can very easily use the previously mentioned articles of the proposed settlement to only ''Approve'' 3rd party verification that has excessive costs involved further preventing OSS projects from ever being able to provide interoperable and or competing products to MS's OS or middleware products.

The proposed settlement has more such loopholes that work solely in the favor of MS and do nothing to provide remedies for MS's

illegal actions as a monopoly. As such, it is my opinion that the proposed settlement be declared invalid by the Federal Courts and a proper remedy including the release of full and complete documentation of file formats, OS APIs, Middlware APIs and communications protocols be made public and freely availble, without restrictive or exclusive licensing or verification procedures to all 3rd parties including, but not limited to ISV, HSV, OEM, OSS projects and manufacturers of competing products for the purpose of interoperability.

While further remedies may also be required to ensure MS's complience with a final judgement and to enforce monetary or punitive damages for their past illegal actions, any finaly remedy that does not address the issues I have mentioned will fail to effectively alter MSs monopoly possition or its continued illegal actions.

MS has a documented history of breaching previous agreements reached with the US DOJ and during the trial exhibited nothing but contempt for the trial and the legal process, including falsifying testimony and evidence.

Any and all loopholes in this settlement will be exploited by MS to further their illegal monopolistic actions. To prevent this, MS's lawyers, or employees direct or indirect should have no input on the final remedy.

Sincerly,
Alan Palmer
hawks@night-hawks.com

MTC–00018058

From: Ted Chiang
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I consider the Proposed Final Judgment in U.S. vs Microsoft to be an ineffective remedy to Microsoft's anticompetitive behavior.

As currently written, the PFJ doesn't give developers of competing operating systems a reasonable opportunity to create compatible products; it still allows exclusionary practices against hardware retailers; it doesn't address unfair licensing practices toward enterprise customers; and it allows discrimination against users of non-Microsoft products.

I believe limiting Microsoft's power will create more competition in the computer industry and will ultimately benefit the consumer, and I hope you will take steps to make this happen.

Sincerely yours,
Ted Chiang
technical writer

MTC–00018059

From: Chen, Edwina
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

To the Department of Justice
Antitrust Division

I respectfully object to the settlement of the Microsoft case in the Tunney Act.

The best interest of the citizenry has not been served In the atmosphere of emerging technology, information is power Microsoft, the company, has been masterful at controlling the flow of information to the general public the lack of public outcry is not due to services well-rendered but to the ignorance of the populace when full disclosure comes to light, there will be far reaching ramifications, especially if the government had the opportunity to act, but chose not to another recent prime example is the Enron case it is the government responsibility to safeguard the best interest of it citizenry and not be blinded by short term goals of one company

Sincerely,
Edwina Chen
American Society of Civil Engineers

MTC–00018060

From: eudchhu@
newman.exu.ericsson.se@inetgw
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Please don't allow a settlement.

Thank you,
Chris Hutchison
System Administrator, Ericsson Berkeley
chris.hutchison@am1.ericsson.se

MTC–00018061

From: Paul Fernhout
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea because it does not require Microsoft to document all file formats Microsoft products use.

This lack of documentation of file formats (and other related communication formats such as for data transfer over sockets) is a major barrier to competition, essentially locking users into the Microsoft product suite in order to read or modify documents others generate.

Ideally, Microsoft should be required to document all file formats concurrently or before the release of new versions of products such as Microsoft Word or other Office products.

Paul Fernhout
Kurtz-Fernhout Software

MTC–00018062

From: Halsey, Roger
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

Although I am sending this from work, this is my private opinion. From what I've read about the Microsoft settlement, it does not remedy the monopoly. It is imperitive that this one company not be allowed to maintain a stranglehold on our future.

I believe that the part of Microsoft that produces and sells Windows should be broken apart from the parts that produce and sell programs that operate in Windows. With that interface exposed to competition, there will be competitio—on both sides of the interface.

Roger Halsey
Project Support Services
Environmental, Safety and Health Services
Bechtel Systems and Infrastructure, Inc.
voice (865) 220–2143 fax (865) 220–2124
<mailto:RLHalsey@Bechtel.com>

MTC–00018063

From: Torrey Hoffman
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I'm writing to express my concern and disappointment with the proposed judgement in the Microsoft Antitrust case. It seems that the Department of Justice has won the case, only to concede defeat at the end.

As a software engineer, I've watched with disappointment for years as Microsoft has leveraged their desktop operating system dominance to crush one competitor after another.

I believe that few informed purchasers choose Microsoft products on their merits alone—rather, people buy Microsoft mainly because they need to exchange Microsoft Word and Excel documents.

One way to restore competition to the market would be to require Microsoft to completely specify and fully document their Microsoft Office file formats. No changes should be allowed without several months notice and complete documentation in advance. This would allow competitors to create viable alternatives with the ability to interoperate with Microsoft, and would restore competition to an industry that badly needs it.

Please, consider a judgement which forces Microsoft to allow competitors to interoperate with their products.

Thank you for your consideration.
Torrey Hoffman

MTC–00018064

From: Bryan Dyck
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is hardly justice, and is a severe blow to those who have suffered from Microsoft's wrongdoing!

Though the legal proceedings for the case are taking place within the United States, the course of action chosen by the Court will have an effect outside its borders. Microsoft's

products are not used only by Americans, but by computer users worldwide, including people such as myself—a Canadian citizen. I ask that the Court keep this in mind when determining its rulings—Microsoft's actions have not only harmed Americans but also people from around the world.

I applaud the Court's desire to reach a settlement in this long-running case, and I hope that desire does not lead to a rushed and possibly unjust settlement simply for settlement's sake. A wrong that is not corrected will only be compounded in the future.

Sincerely,
Bryan Dyck
Vancouver, B.C. Canada

MTC–00018065

From: McCarthy, Brendan (Space Systems)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

The proprietary secrets locked up in Microsoft's software have made my job much more difficult, and have impeded the exchange of information between computer programs. The uncooperative nature of MS software has slowed the integration of systems, and has hidden and continues to delay the benefits that our modern computing infrastructure has the potential to offer.

Sincerely,
Brendan McCarthy
The opinions expressed herein do not necessarily reflect the opinions of my employer

MTC–00018066

From: Paul Arndt
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

To Whom it may concern:

This letter is in regard to the proposed Microsoft penalties in the DOJ case against Microsoft Corporation.

I feel the US Department of Justice is doing the US public a huge disservice by not requiring Microsoft to change their UNFAIR licensing practices. I work in a large Fortune 100 Corporation and first of all, trying to decipher the Microsoft licensing is almost impossible for any normal (read non-lawyer) person to figure out. I have also called Microsoft directly with licensing questions and the Microsoft person had to get more information and return my call. Thus, even the people hired by Microsoft to handle licensing cannot sometimes figure out the proper licensing requirements are.

The fact that Microsoft is the only company that licenses software per machine rather than per user is ludicris. They want you to license a copy of Microsoft software for any machine that could possibly run the software which includes in many cases Unix (Linux, HP–UX, Sun) workstations not even running a Microsoft operating system if you are using the Microsoft Terminal Server application. Microsoft should be forced to go to a simple per user licensing model like all other software companies that I am aware of use.

This strange licensing practice costs US corporations and small businesses billions of dollars each year to enrich MS executives pockets. It also costs the US Government additional taxpayer money to license Microsoft Operating Systems and applications which I object to.

This practice is truly unfair and Microsoft should be penalized and made to change their licensing to a per user license model.

I realize that this will have no effect as the US Government does not care what US Citizens have to say in matters like this, but this is truly unamerican and robbing billions of dollars each year that could be spent on other things.

Thank you.
Paul Arndt
Technical Computing IT
Information Technology
Agilent Technologies, Inc.
24001 E. Mission Ave., MS 3WU–482
Liberty Lake, WA 99019
509 921 3702 Tel
509 921 3500 Fax
www.agilent.com

MTC–00018067

From: Charles Wheelus
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Proposed Settlement is Unjust

To Whom it may concern:

I feel strongly that the proposed settlement is very unfair to all consumers of PC software and hardware. As a computer and Internet professional, I deal with Microsoft products on a daily basis.

Unfortunately, Microsoft has gained a position that makes it nearly impossible for any company to compete with them on a level playing field. This situation is not much unlike the ''old'' AT&T before they were broken up many years ago. Innovation was stifled. While there are many viable alternative operating systems available, none of them run software which was developed for Microsoft natively. This requires a software vendor to make 2 or more versions if they choose to support any other operating system costly.

This is really only a problem in the ''onsumer'' or desktop market (retail market). This would be like one retailer (Sears, Walmart, etc.) locking up the entire retail market and controlling the flow of goods to the consumer. Obviously this would not be good for the consumer.

I do not advocate the break up of Microsoft. Instead I believe the only real solution to this problem is to force Microsoft to release it's API (application interface) into the public domain. This would enable other companies (Sun, Apple, etc.) and operating systems (Linux) to build a API which could run Windows Applications natively on other operating systems.

I applaud and support the ongoing state and federal effort to re-introduce a truly competitive environment into the Personal Computer market.

Sincerely,
Charles Wheelus
Charles Wheelus
charles@wheelus.com
Office: (561) 395–6655

MTC–00018068

From: Felker, Daniel Paul (UMKC–Student)
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I am writing this email to voice my opinion on the Proposed Final Judgement(PFJ) for the Microsoft anti-trust lawsuit. What I found after pondering if the PFJ was truly in the public interest was that there still exist many loop holes that could lead to the same problems we are currently seeing, Although I feel there are many others one area of real concern are some of the definitions put forth, as an example consider the current definition of ''Windows Operating System Product''. This current definition seems to exclude both Windows XP tablet edition and Windows CE, both of which can run many of the current Win32 APIs without any changes.

My second concern is in the area of application barrier to entry, I don't feel that there has been any effort to allow for non-Microsoft operating systems to implement APIs needed to run application programs written for Windows.

By not allowing this, it would appear Microsoft would continue to be able to exclude other Operating Systems from running their application software. By continuing to not provide a way in which Microsoft applications can be run on non-Windows Operating systems, there will continue to be the same level of control on desktop environments that we currently experience.

I would like to thank you for listening to my concerns, And I sincerely hope a reasonable solution is met.

Dan Felker
dfelker@umkc.edu

MTC–00018069

From: Adam Brown
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case is a horribly bad solution to the problem. In fact, it's not a solution at all. It continues to give Microsoft all of the monopolistic power they've been proven to have as well as allowing them to abuse this power just as easily as before.

What needs to be done is to force Microsoft to open up the API's to all of its programs and document formats. This way competitors can interoperate with Microsoft software and the customer can choose which program or solution to purchase based off of the quality and service behind the product.

Thank you for taking the time to hear my thoughts on this matter.

Adam Brown
connor@dicebag.com
http://www.dicebag.com

MTC–00018070

From: Curtis C. Chen
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is flawed, and should be reconsidered.

Curtis C. Chen

MTC–00018071

From: Dan Petermann
To: Microsoft ATR

Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

The proposed settlement is a joke. You will, in effect, be REWARDING them. They do not currently dominate the school market, your settlement will hand them the market on a silver platter.

I cannot believe that the judge actually said that a harsher penalty will be bad for the economy! Since when is economic concerns be an issue? What court would buy that as a defense? I could just see it now, Well, your honor, I know I committed murder but putting me in jail would be bad for the economy! What a load of crap.

My proposal would be to break Microsoft into at least 2 companies, force them to publish their source code, pay Netscape for every copy of their browser downloaded for free, make them ship a stripped out version of Windows, free of everything but the OS itself, and pay 15,000,000,000 in fines plus court costs.

Dan Peterman

MTC–00018072

From: David Marston
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement—I DON'T AGREE!!

Given Microsoft Corporations ''History'' of ''failing to comply'' and the mindset of the current officers of the Corporation I fully believe that ''an example'' should be set that we are still a nation of law and that the Government is still the ''enforcer'' of that law! The ENRON failure is a glaring example of what happens when the Government ''fails'' in its duty to enforce on business entities with equal force what it enforces upon its citizens! ''We the people'' wait and watch for Justice!

David J. Marston, III
3139 E. 4th Street
National City, CA 91950–3010
Phone: (619)474–4874
FAX: (619)470–0802
E-mail: ddavidnc@pacbell.net

MTC–00018073

From: Bill11001@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: MICROSOFT SETTLEMENT

THIS HAS GONE ON LONG ENOUGHT,LET AOL/TIME WARNER CONTINUE THIS BATTLE.

WILLIAM J GORMAN, HOLIDAY FLORIDA.

MTC–00018074

From: James Overly
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I am writing to express my concern about the weakness in the proposed settlement in the case US vs. Microsoft. The settlement contains enough loopholes to make it barely a slap on the wrist.

While there have been many people saying that we should leave Microsoft alone, and damaging Microsoft will damage our economy, this is NOT a prudent course of action. With Microsoft as the dominant supplier of PC based operating systems we are needlessly placing our eggs in one basket. Look at the number of small to mid-size companies that were bought our or driven out of business by Microsoft. Wouldn't the economy be stronger as a whole with several competitors then one?

Microsoft tells us that as one company they can deliver a better software product. This statement goes against any study of the business world where competition among distributors encourages innovation.

Microsoft continues to use its dominate position to lock out competition. This is hurting the economy and the software market by reducing inovation.

The Internet was founded through the work of several individuals, companies and universities. They developed standards that allow computers of dis-similar hardware and dis-similar operating systems to communicate.

Microsoft is working to reduce this inter-operatibility by promoting its own priority file formats. These formats in general can only be read by Microsoft products, which can in general only be run on Microsoft operating systems.

While in a perfect world file formats would be developed by a standards committee and followed by software companies, I hold no illusion that Microsoft would at best drag its feet in following said standards and at worst improperly implement these standards so they could tout the superiority of their propriety formats. In this case the damage has been done and we are forced to use the Microsoft formats as the De-facto standard.

To this end Microsoft should be REQUIRED to publish its file format descriptions so non-Microsoft software can be developed to read the formats. It will only be when there are enough non-Microsoft solutions that sane universal and open standards can be developed.

Perhaps it can be argued that Microsoft has obtained it monopolistic position through legal means, I am not in a position to argue that point, however, now that they are a monopoly they must NOT be allowed to use their position to maintain it. They also must NOT be allowed to illegally profit from their position as well.

There is no need for one large company to control the software market. This is hurting business and consumers alike.

Thank you for your time.

James Overly
Harvard-Smithsonian Center for Astrophysics
60 Garden St. MS 81
Cambridge MA 02138
(617) 496–7544

MTC–00018075

From: Jason Alexander Crosswhite
To: Microsoft ATR
Date: 1/23/02 2:54pm

To Whom It May Concern,

I am very unsatisfied with the current verdict for the following reasons: Microsoft is a monopoly. I have seen the whole industry suffer for it. I would like to see a structural remedy rather than a conduct-only remedy. I see their current arguments as more of what we have seen from Microsoft for years. You might as well have not have even tried to prosecute them. Its not even a slap on the wrist. Interoberability enforcement needs to be stronger. Not only does Microsoft need to make its formats and protocols openly available (especially, for instance the file format for Word, Excel, etc.), but it needs to make it available for the open/free software community. Wording in the settlement precludes this, and open/free software is starting to be some of the only real competition to Microsoft in several areas.

There is no penalty for Microsoft's past misdeeds. This is astonishing!

Microsoft has consistently not lived by the intent or spirit of past aggreements, and has consistently been a bad member in the software community. The settlement relies on elements that will play directly in to their hands: secrecy, lacking independence, and able to be influenced by Microsoft.

The provisions in J.1 and J.2 give Microsoft too much leaway. They should have to justify secrecy to a high degree. I am especially worried in this regard to the free/open software community. The internet relies on this typ of software (For instance, ''bind'' is free software, which is universally used on the internet to transfer domain names (like usdoj.gov) to numbers computers can understand (like 128.223.95.56). Apache is a free web server that runs on the majority of servers on the internet.). Any type of encumbrence on this community would allow the Microsft verdict to be used —for it's advantage—!!!!!

Please seek a better resolution to these matters. Hopefully a structural one in addition to the problems listed above.

Jason Crosswhite
Graduate Research Assistant
Department of Geosciences
University of Oregon
jason@newberry.uoregon.edu
http://darkwing.uoregon.edu/jacrossw
(541) 346–4653 Cascade, room 124

MTC–00018076

From: Andy
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am displeased with the direction of the MS anti-trust case. With the pending settlement it seems that many of the most pertinent issues will not be handled adequately.

Quoting Dan Kegel:

''The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs,

including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems. By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.''

To me this is unacceptable. Because of Microsoft's market position, allowing them to retaliate against an OEM for shipping a competing Operating System but no Microsoft operating system virtually determines that no OEM will be willing to do so. Because of Microsoft's monopoly, it would in fact be suicide for any consumer PC distributor to defy Microsoft. In particular these rules are extremely inept at protecting small business from further damage.

Thank You for your time,
Andy Somerville
Computer Science Student,
Pennsylvania State University.

MTC–00018077

From: Jason Whittington
To: Microsoft ATR,w7md@arrl.net@inetgw
Date: 1/23/02 2:53pm
Subject: RE: Microsoft Settlement

Actually I don't think it's fair to blame MS for the prevalence of WinModem style devices; rather it's shrewd marketing on the part of the device manufacturers. Said manufacturers have figured out that using the CPU as a sort of DSP lets them offload parts off their boards and make them cheaper. Nobody notices until they try to play quake online and all of the sudden their computer can't hack it :) I haven't priced modems in years but it used to be that winmodems were less than half the price of real modems, which is the only thing that explains your popularity (Intel was able to sell the 486SX for basically the same reason).

The manufacturers then don't bother to release drivers for other OS's because they see it as a waste of time—windows drivers allow them to cover 80–90% of the market with just two drivers (one for the 16-bit platforms, one for the NT family). The target audience of the Winmodem is bubba who buys his computer at Wal-mart, not sophisticated buyers.

My current complaint about Windows is the retarded way it handles TCP connections. Let one patch cable slip out for 1 second and the stupid OS drops all your net connections. Never mind that TCP/IP was *specifically designed* to handle transient net failures. Stupid . . .

Jason
CC:tfug-list@tfug.org@inetgw

MTC–00018078

From: Mark Fasheh
To: Microsoft ATR
Date: 1/23/02 2:54pm
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement in it's current form. I do not believe the proposed restrictions will change Microsoft's behavior and restore competition to the market.

Mark

''A haircut and a real job. Now you know where to get one!''—Robotfindskitten
Mark James Fasheh
<mfasheh@linux.ucla.edu>
President, UCLA LUG

MTC–00018079

From: Andy Shih
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

To Whom This May Concern,

I was informed that I would be allowed to submit my opinion on the current proposed settlement between the Department of Justice and Microsoft for the ongoing antitrust case by what I consider to be a reputable mailing list. Please accept my apologies if this is not the case. However, if there is even the possibility that my voice may be heard, I will most gladly take the opportunity.

I feel that none of the proposed settlements and resolutions offerred so far by either side is adequate. In fact, I feel that all the proposals I am aware of so far is far from acceptable. They all lack any regulations that will require a change in the anticompetitive behavior we have all witnessed committed by Microsoft. I congratulate Bill Gates and Microsoft with their achievement in creating products that are very useful to the majority of the world community. However, to leverage that success so that no one else can follow in their footsteps and rise to achieve what we all commonly call the American Dream is simply dispicable. Using special API's (Application Programming Interfaces) so that Microsoft products work better and faster than products made by other companies is unethical. Requiring hardware vendors to promote and use only Microsoft products is unethical. Bundling software, so that a comsumer is forced to purchase is unethical. Basically, what Microsoft has done is to take away one of the most fundimental rights of not just all Americans, but all human kind. This is the inherent right to choose. By Microsoft's standards, it is either their way, or no way. That becomes the only choice. This is why whatever decision is made about the anticompetitive nature of Microsoft, this issue must be addressed.

In light of recent events, the only item of the three I have listed that I have seen addressed is the requirement by Microsoft that hardware vendors who promote Microsoft are rewarded, while those who do not are punished. However, to ignore the other two aspects of Microsoft's monopoly is to doom all of us to repeat this process all over again. To insure that the playing field is level for all, Microsoft must be forced to reveal —ALL— API's that come with all their applications, not just their OS. In this manner, any software and hardware vendor will have the ability to create new and innovative products that will be fully compatible with any Microsoft product. This should also not just be limited to established businesses, but the public in general. This is the most important point because at some point, any institution had to begin as an idea in the mind of an individual. Individuals must not be forgotten in this process, and be given the same rights as any established institution.

Another issue I had raised is the bundling of software. The best example of this is what Microsoft had done with their operating systems and Internet Explorer. While I think that integrating and bundling a web browser with the operating system is something useful and innovative, the fact that Microsoft made it impossible for any other web browser to achieve this level of integration is what make the practice unethical and anticompetitive. Users need choice. If Microsoft wishes to integrate a web browser into their operating system, then so be it. However, the same opportunity must be present for other web browsers as well. There would not be an issue if users were able to choose among other browsers, such as Netscape or Opera, as their web browser of choice in the operating system, the the playing field will be level again for all competitors in this arena.

Microsoft may complain about the amount of work needed to bring about these changes, but it was due to their actions that we are mired in such a state. It is the responsibility of Microsoft as a corporation to bring about the changes necessary to fix this situation. If they are unwilling or afraid of the work required, then they can leave this industry. Capitalism and a free market dictates that someone will fill the void that they leave, have no fear of that.

This is my view of how the situation with Microsoft may be resolved.

Thank you for your time.
Sincerely,
Andy Shih

MTC–00018080

From: Tim Smith
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

I believe that the proposed settlement terms with Microsoft do nothing to limit their abuse of the marketplace, and may actually enhance their market position as a monopoly in the computer operating systems and Internet/productivity applications market. My feelings are a result of industry experience as an administrator of Macintosh and Solaris SPARC servers and workstations in primarilly Windows environments. I would be happy to expand on my feelings and findings at your convenience.

Tim Smith,
Systems Administrator,
KKLH–FM kklh.com,
Springfield, Missouri
#30 TLS

MTC–00018081

From: Jeff Anderson
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: proposed settlement is unfair to everyone but Microsoft

I do not support the proposed settlement because I do not think it provides sufficient

punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Further, I believe that Microsoft continues to steal from the citizens of the world and cheats the other businesses/corporations of the world.

I believe that Microsoft will stop at nothing short of market domination. Microsoft has caused us enough damage already, let's stop them before it is too late.

Jeff Anderson
Nashville, TN

MTC–00018082

From: Stefan Wasilewski
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

My name is Stefan Wasilewski. I am a professional in the computer industry. I am strongly opposed the the proposed settlement.

Here are some reasons why:

Microsoft holds a dominant position throughout the software industry. A remedy which deals exclusively with ''middleware'' is not sufficient. All Microsoft software should be covered.

There should be no restrictions on pricing or product tying. Microsoft should be left free to develop and sell its products as it sees fit. The only exception to this are the rules which cover OEMs ability to include competing products instead of Microsoft ones.

Microsoft's monopoly position is founded on its control of proprietary interfaces. Microsoft products are linked through a network of proprietary interfaces, making it difficult for competitors to produce software that will inter-operate with Microsoft software. If the proprietary interfaces were published then competitors could produce software that competed directly with Microsoft without the expensive and error-prone process of reverse engineering.

These proprietary interfaces are in the form of file formats, network protocols and APIs. All three need to be made available to competing products.

Where two Microsoft products work together the interface between them can best be made available by setting up a ''Chinese wall'' between the development groups responsible for them, and then requiring Microsoft to publish all the technical data that is exchanged between these groups.

Where one copy of a product communicates with other copies of the same product (such as when an MS word document is sent to another MS Word user) the file format or communication protocol should be published in a form which allows independent verification that the product conforms to the published description.

Special consideration should be taken of Open Source Software development over the questions of cost, trade secret status and patent licensing.

The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Thank you,
Stefan Wasilewski
smw@etherforge.com
1401 Gulf Stream Circle
Brandon, FL 33511

MTC–00018083

From: Gregory Bradford
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Opinion

To whom this concerns,

Thank you for your attention to this matter.

As a California resident I am very disappointed that the US Attorney General has settled with Microsoft on such an important issue in such a minor manner.

I have many friends who have lost jobs because of Microsoft's unfair trade practices. Please be fair to my friends, give them some justice. Many of California's high tech firms, which have been very innovative (such as Netscape for example) and have brought us all great wealth, have been driven out of business or something close to that by Microsoft's monopolistics practices.

It is not in California's, or the US's interest, to let Microsoft go essentially free once again. I urge you to adequately address Microsoft's illegal practices.

Otherwise, I truly fear that our technology industry will be crippled by being handed over to a monopolistic corporation which seems to extend it's reach on a week by week basis.

If you need proof of this reach please take the time go down to you local software store. It would be a safe bet that one out of every two software titles there will carry the Microsoft name. In some categories of software there is no longer any competition. Please try to buy a spreadsheet product that is not made by Microsoft. Or try to buy a piece of business presentation software not made by Microsoft. It is virtually impossible Go to your local electronics store. Microsoft has now built a large presence in palm-top computers. It is only a matter of time before Palm will be gone just like Netscape.

At your local electronics store take note of the new X-Box technology. A company even as large as Sony will have a hard time competing in game consoles when Microsoft is deliberately losing hundreds of dollars for each X-Box sold. Recently, a Morgan Stanley analyst, Mary Meeker estimated Microsoft will lose $1 billion on the X-Box. Who can afford to lose $1 billion dollars? A monopolist can since it can subsidize busineses that would otherwise fail. This is not in the consumer's interest.

A couple of months ago I was purchasing a digital video recorder called a TIVO. Microsoft competes with this product with their Ultimate-TV product. I was directly told by a Microsoft salesperson in a retail electronics store that I would regret my purchase because TIVO would soon be out of business because Microsoft is going to put them out of business. Even the lowest Microsoft employees understand that they hold all of the cards at the moment.

Take note of Microsoft's balance sheet. If their balance sheet is accurate, then it is a smoking gun. Compare it to IBM's, Sun Microsystem's, Oracle's, Borland's, Corel's, Amazon's, AOL's, and other's balance sheets. Not one of these other companies has the wealth and influence that Microsoft retains. It is only a matter of time before several of those companies are forced out of business because there is no way for them to compete on an equal footing. Lastly, note Microsoft's effort's to control access to the Internet via it's Passport and .Net strategies. These strategies are designed to slowly wear down the consumer into submission to Microsoft's desires. Much like Microsoft has done to the DOJ it will attempt to do with consumers. Microsoft is very patient. It is the key to their survival.

Please, do not allow them to do this. It is readily apparent that justice is not being served. It has been discarded by the Department of Justice in favor of moving on to less than adequate remedies. I urge everyone involved to carefully consider my comments, and those of others, to arrive at a conclusion to this case that will serve the interests of all.

If Microsoft is not reigned in quickly you will be buying all of your software, electronics, information services, and anything else Microsoft desires to take-over from one vendor. Think about it! This is a national crisis that can be avoided!

Thank you,
Gregory Bradford
AirportTools
22434 Creston Drive
Los Altos, CA 94024 USA
Phone: 1–408–736–5898
Fax: 1–408–736–5898

MTC–00018084

From: mds@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

Hi,

I've been programming computers for twenty-five years. And for about the last ten, I've been feeling that Microsoft has been making my life progressively more difficult. I acknowledge that some of Microsoft's actions have simply been annoying rather than illegal. However, I believe that some have been illegal. I was disappointed in the limitations in the scope of the antitrust trial to begin with. I was frustrated by the repeated delays that Microsoft used to further their monopoly. And I am further disappointed by the slap-on-the-wrist nature of the proposed settlement.

Microsoft has demonstrated time and again that they do not actually believe they are capable of doing any wrong. They have indicated that they do not believe that the US justice system has any real jurisdiction over them.

I believe that the original two-part breakup itself would have been inadequate to prevent Microsoft from illegally exercising and extending its monopolies. At this point I believe that Microsoft has three monopolies: (1) desktop operating systems (Windows), (2) office suites (Office), and (3) web browsers (Internet Explorer). And they are competing strongly in several other areas, without yet having gained dominance: (1) internet access

(MSN), (2) web site design (Front Page), (3) palmtop operating systems (Windows CE), (4) server operating systems (Windows Professional), (5) web services (.NET), (6) game systems (XBox), (7) digital video recorders (UltimateTV, now apparently being folded into the XBox), (8) computer peripherals (IntelliMouse, Natural Keyboard, etc), (9) streaming media (Windows Media Player), (10) instant messaging (Windows Messenger), (11) webmail (Hotmail), and probably many more that I'm not familiar with or not remembering offhand.

Short of massive structural remedies (I was a fan of the 4-way breakup), the only chance I see of a world not effectively owned by Microsoft is the rise of open source software (also known as free-as-in-speech software). Open source can be nearly free, which is pretty much the only price point that Microsoft cannot match in the long term. (Since once software is written, it is nearly free to duplicate, the actual price of software that will have tens of millions of copies sold can be made very small, while still being profitable, which is how Microsoft built up its billions of dollars in cash reserves.) Linux has the potential of commoditizing the desktop (and server) operating system.

Similarly, Star Office has the potential of commoditizing the office suite. (Oddly enough, to compete against Netscape, Microsoft itself deliberately commoditized the web browser. They then followed by adding various proprietary extensions, such as ActiveX controls, which have only been moderately successful so far.)

Therefore I believe that the primary focus of the settlement should be in assuring that open source software can compete fairly with Microsoft. This is done by assuring that Microsoft software is standards-compliant when possible, and that Microsoft's APIs, file formats, and network protocols are openly published. If this is done, then it follows that other proprietary software companies can compete as well. More important to me, it means that open source projects can compete. Also, it is important that computers can be shipped with non-Microsoft software installed.

The most important of many changes I would make to the settlement as proposed is this: Microsoft should be required to publish without any licensing restrictions full documentation on all file formats, network protocols and APIs used by its current software or hardware. Further, they should publish formats, protocols and APIs used by future software or hardware at least two months before the release of that software or hardware.

There should be no restrictions on this publication. It should not just be licensed to competing software companies, but just put up on a public web site and so on. There should be no restrictions due to security issues, either. There are no good reasons that, given a decent security model, the publication of format, protocol or API information should harm the security. In cases where it would, there is very little real security to begin with. To help enforce this, there should be clear and severe penalties for failing to publish.

The second major change I would make is the addition of some form of punishment for past abuses, which does not seem to be part of the settlement at all.

Thank you,

Marc Shapiro

Hey! madas@home.com is changing to madas@comcast.net soon

Marc Shapiro, BaltoLUG, http://www.baltolug.org/, 410–308–0199

madas@home.com, 9 Cormer Ct. #302, Timonium MD 21093

JHU, mds@lions.med.jhu.edu, 410–502–6207

MTC–00018085

From: Peter H. Putman
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

I agree with the decision that Microsoft has unfairly restricted competition by their ''tight'' and exclusionary bundling of operating systems and software.

I would prefer to see the browser software offered as a completely separate product from any operating system. In addition, I would like to see all software code removed which automatically deletes icons from the desktop, restricts hardware upgrades to a system, and establishes preferences (without asking) for navigating to Internet sites and service providers.

Peter H. Putman
President
ROAM Consulting, Inc.

MTC–00018086

From: Randy Lawrence
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

Per the provision of the Tunney Act I am making my voice heard. I oppose the REVISED PROPOSED FINAL JUDGMENT settlement (http://www.usdoj.gov/atr/cases/f9400/9495.htm) that the Department of Justice and Microsoft Corp. have reached in the case of the United States vs. Microsoft antitrust lawsuit (Civil No. 98–1232.)

MTC–00018087

From: Andrew Burke
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement in the US vs. Microsoft Corporation suit is wholly unacceptable. In many ways it will actually HELP Microsoft maintain its monopoly. It is painfully obvious (as any annoyed Windows user knows) that Microsoft is a monopoly and its lack of competition is nothing but bad for the consumer. Microsoft has used its status to leverage company after company out of existance. It is time to put a stop to it and the proposed settlement will do no such thing.

Please reject the settlement.

Andrew Burke
Systems Administrator
Univ. of Rochester
Dept. of Physics and Astronomy

(The opinions expressed above are my own and not necessarily those of my employer)

MTC–00018088

From: Logan, Patrick D
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you as an individual concerned about the illegal damage Microsoft has done and continues to do. I object to the recent settlement between Microsoft, the Bush administration, and some of the states. Clearly the settlement lets Microsoft off the hook after so many justices consirmed that significant antitrust violations were made by Microsoft.

As a software developer, I want to see justice done, to restore a healthy software industry. Stronger actions must follow this conviction.

Sincerely,

Patrick Logan

MTC–00018089

From: Josh Bauguss
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to briefly address the proposed settlement that is currently in review. I firmly believe that what has been suggested is merely a slap on the wrist for Microsoft. It will do nothing to change the face of competition in the PC software industry.

I wish to offer a little proof of this. Since they have been deemed a monopoly by our court system, they have continued their business practices. (It actually seems very apparent that they have accelerated them) In Windows XP, there is a simple feature of being able to look at zip files.

Now, zip files have become a mainstay in computing and especially with transferring files over the internet. However, just like they did to Netscape with Internet Explorer, they just effectively made compression programs by a third party unnecessary. (i.e.. winzip.com, winace.com) These are two companies that I know of that do not have a bright future.

There is then the issue of Microsoft Office. It has been the standard for desktop publishing for many years now. However, these programs use file formats that are proprietary. They change this file format with every upgrade to make it nearly impossible for third party office suites to be compatible. Computing has become something that is almost second nature in today's society. There should be no reason why I should not be able to choose which operating system or which desktop office suite I wish to use.

Right now there really isn't a choice. If you want to do business and send people documents or other forms of correspondence, you are left with little choice but Windows and Microsoft Office. It has also become the norm that you must have the latest version of office in order for your documents to be viewable by others. (and likewise to view documents sent to you) I think there is a much better solution that can be worked. I don't think it would be fair necessarily to limit Microsoft's ability to do business.

However, for certain things like Word documents or DirectX, these should become Open Standards. (look where having open standards in the pc hardware industry has gotten us. There is a level of competition

there that causes great innovation and offers nothing but great benefits to consumers) It should not matter what OS or what Office suite I choose to use. If I want to write a simple letter (other than an e-mail which thankfully is open) I should be able to send that letter to anybody I choose. That person should be able to open it easily. I shouldn't have to think twice about it.

Another example I want to address is that of the gaming industry. This industry is left with little choice if they wish to make a product that has a chance to be profitable. They have been forced into writing games for Microsoft Windows and now they must use DirectX. While the DirectX standard is a good thing, such a standard should not be closed. If this were an open standard, any other OS maker could implement their own version of it. This would enable game makers to deploy their products without having to target an operating system. (and currently, if you want to make money, you MUST target Windows)

We must empower the consumer. By giving them the choice to choose which OS they use, which Office suite they use, we can recreate competition which has really been lacking in the PC industry for over a decade. No business can currently start a software product without fearing that Microsoft will only brace and extend it, make it their own, and incorporate it somehow into their OS which is the monopoly part of their business.

Microsoft can still benefit from well thought out solutions. A solution such as creating standards will make it possible for Microsoft to implement them in their own way. If consumers choose to go with Microsoft's solution, then that is good for them. However, consumers should not be forced into their choice.

Thank you for your time,
Josh Bauguss
Albuquerque, New Mexico
Josh Bauguss
Web-Galleries
www.Web-Galleries.com
Tel: 505.891.8878

Web-Galleries is offering the following services:

Web Development
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Multimedia
Video Productions
Web Marketing
Web Consulting
Web Hosting
Computer Networking & Repairs
Print Design

MTC–00018090

From: alobao@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Microsoft Settlement

I think that a democratic state should not interfere in commercial issues but, if it needs to, it can never punish an enterprise in a way that would force it to give less quality services to its customers. And that's what's happening now: Microsoft is with its back against the wall just because it tried to give the best services and products to their users.

CC:alobao@microsoft.com@inetgw

MTC–00018091

From: Mitch Krayton
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Micosoft Settlement

Renata B. Hesse,

The settlement is wrong. It does not compensate members of the injured class. It creates new damages to innocent parties, like Apple Computer.

Please reject the settlement as it now stands and find a more effective way to punish Microsoft.

Microsoft is not taking this trial or the guilty finding seriously.

They have done little to change their business behavior. In fact they flaunt their will, in the computer trade press and in the way the do business with partners, despite their wrong doing.

They have shown little regard for past settlements. This settlement will not alter their behavior in any significant way either.

It does not provide a remedy to the injured classes.

This makes a mockery of your court and the entire process of anti-trust justice.

Thank you,
Mitch Krayton
Mitch Krayton, Sales & Marketing
1st K I O S K
24307 Magic Mountain Parkway, #245
Valencia, CA 91355 USA
661–297–9150 voice * 661–297–4044 fax
mitch@1stKIOSK.com
1st K I O S K
Your 1st Choice for Interactive Kiosks & Dynamic Digital Displays
Home of 1stTouch(tm), iPedestal(tm) and KlearKiosk(tm)
http://www.1stKiosk.com/

I pledge allegiance to the United States of America,

one nation, indivisible, with freedom and justice for all.

Take the pledge and pass it on...

MTC–00018092

From: G.Richard Raab
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
G. Richard Raab

MTC–00018093

From: Jim Cromie
To: microsoft.atr
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

Gentlemen,

Ive just read an interview with Judge Robert Bork, where he says.. http://www.linuxplanet.com/linuxplanet/opinions/4020/2/ ''My initial response was, break ''em up,'' he replied. ''A structural remedy. Dissolution into parts that could compete with each other. ''But that seems to be not in the cards now; I don't think the judge is going to do that if the government doesn't ask for it, and may not do it even if the government did ask for it.

''That's not going to happen, so I think we're stuck with a behavioral remedy which would have to be—even if it tried to do something, even if it tried—hard to write because as the technology changed Microsoft has shown a great ingenuity in getting around things in the past. But whatever difficulties there would be in a properly drawn behavioral remedy, this is not a properly drawn one.''

''And I think it gives it a clear road to further monopolies. They can do to all kinds of products now what they did to the browser.'' ''What's likely to come out if it? I have no idea. It depends entirely upon how seriously the judge takes this thing. I hope she doesn't share the government's evident desire just to kick the thing away and get rid of it. This is a painful case—I don't think Judge Jackson wanted to see it again. It's a lot of work, and it's hard to understand, and if she takes the line that ''if the government's satisfied, the hell with it,'' then it's all over. I don't know her well enough to know how she'll react.''

As Im sure youre aware, Judge Bork is not known for being a judicial activist.

There is no political axe being ground by him. The Government won their case in open court, and now it must pursue proper remedies.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

To fail to do so leaves the DOJ open to suspicions of back-room dealings between the politicians (the DOJ in this case) and the politically connected. Whether or not it happened is irrelevant, the public perception, particularly in light of the Enron debacle, will not look favorably upon a weak settlement.

Thank you.
James Cromie

MTC–00018094

From: David Cortesi
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement in the Microsoft antitrust case is DEFICIENT as written.

Any remedy MUST create conditions under which small companies and individuals can design and sell new software without fear that Microsoft can, at its arbitrary choosing, preempt and swamp their business with free software ''integrated'' into the Microsoft system.

If this condition is not met, soon the only innovation in technology will be the innovation that Microsoft permits to exist.

Thank you,
David Cortesi
dcortesi@mindspring.com

MTC–00018095

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephen Bovy

MTC–00018096

From: Bill Repke
To: Microsoft ATR
Date: 1/23/02 2:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Bill Repke
System Administrator
Costa Mesa, California

MTC–00018097

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Grace Pang Bovy

MTC–00018098

From: chrish@sandbox.cnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I would just like to say, that I consider the the proposed Settlement with Microsoft to be lacking to the point of absurdity. It doesn't make nearly enough provisions to prevent the continuation of (or future) anticompetitive practices.

Chris Hostetter
Software Engineer
chrish@cnet.com
415.344.2212
235 Second Street
San Francisco CA 94105

MTC–00018099

From: Jason Woolever
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

Please note: I think the settlement is a bad idea.

Jason Woolever
Sunnyvale, CA
Sr. R&D Engineer
Synopsys, Inc.

MTC–00018100

From: Nick Calton
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001 ,

I would like to take this opportunity to comment on the proposed final settlement as allowed by the Tunney Act. I have been a programmer, mostly for Windows and Unix, for these past five years. Of late I have primarily adopted the Java programming language. I am strongly against the Proposed Final Judgement, on several grounds. I feel that while it may be corrective, it is no way punitive, and Microsoft has made its empire with criminal behavior. Even if the proposed remedy halts future transgressions, it does nothing to punish Microsoft for the means of acquiring its wealth. I would like to see monumentally large fines levied against it, the government should do what they think best with the money.

I think the PFJ falls down though even with regard to reining in future bad behavior in several places, please allow me to mention a few specifically. First, in not requiring Microsoft to fully document all of its file formats, so that binary compatibility could be made much easier by competitors.

Second, in not requiring that MS disclose its software patents regarding the Windows API, this could allow them to pretend to offer a level playing field, but later they could sandbag the competition who may have sank resources into attempting to compete in a software field owned by Microsoft patents. I'm specifically thinking of Mono and .NET here. Quite frankly if it were up to me I would require Microsoft to release all of its software patents in the most contested fields

into the public domain. If it were up to me there would be no software patents at all. All of the ones I have seen, except the patent for the RSA encryption technology, now expired, have seemed obvious. At the least, it can be seen that they are inherently anti-competitive.

Third, and I'll stop here and thank you for reading this far, as mentioned by Dan Kegel whose excellent critique of the PFJ can be found at http://www.kegel.com/remedy/remedy2.html , the PFJ allows Microsoft to retaliate against OEMs that ship PCs with competing operating systems, such as Linux, but without a Microsoft operating system. As I understand it, this would hurt OEMs ability to provide the public with a PC of their choice and the operating system of their choice. This is the very definition of anti competitive behavior, and I feel that a future draft should most certainly anticipate and prevent this, and that this current version of the PFJ must not be allowed to stand.

Thank you,
Nicholas Calton
New York, New York
Student, Columbia University

MTC–00018101

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

Microsoft has done more harm to consumers then any company before. It has stymied research and development other then it's own products. It has killed competition through illegal business practices. It has been branded an illegal monopoly. Their business practices are deplorable. They do all they can to prevent consumers having any other choice then Microsoft. These practices should not be rewarded but come to a harsh end. People living in a so called free country should have real choices and not have to be faced with a modern variant of Hobson's choice.

They are an illegal monopoly with unethical business views, they should be punished, not rewarded.

Sincerely,
N Heikamp
CC:nicoh@ispwest.com@inetgw

MTC–00018102

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

To whom it may concern,

The current proposal for the Microsoft settlement will not prevent Microsoft from staying a monopoly in the computer industry. Microsoft employees are spreading this around as ''..a victory over the government.'' If the government shows they are incapable or unwilling to stop Microsofts monopoly over the software industry, who else is there to stand in Microsofts way?

Since the trial has started Microsofts grip on ISP's and hardware vendors has slowly loosend up for fear of how it would be represented in the case against them. Once Microsoft accepts the current settlement they will go back to their previous methods of forcing the industry to accept their software and force out competitors, but it is not their previous methods the software industry is only worried about. By recieving the current settlement this will show the industry that even the government and it's laws cannot stop Microsoft's monopoly. Microsoft will be able to expand their practices beyond strict EULA's, enforcing proprietary ''standards'' and harrassing/buying out small companies. They will be able to stretch more laws, find more loopholes and choose more ''un-ethical'' business means knowing that the most powerful system that could have stopped them was not powerful enough.

Once again I say that the DOJ and US government should be putting a stop to Microsoft's monopoly. By forcing them to release their file formats, source code, protocols or something similar that will allow other companies to compete with them. But the current settlement simply shows that the government no longer has the power to enforce the laws that control our capitalist country.

Thank you,
Jonathan Ard

MTC–00018103

From: Todd Eshler
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement is a bad idea.

Thank you
Todd Eshler

MTC–00018104

From: Juan Lang
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I would like to comment on the proposed final judgment against Microsoft. I have signed Dan Kegel's open letter, as it addressed many points I had not considered. However, I felt that adding my own words was also important.

The main problem I see with the proposed judgment is that it only seems to protect competing companies. However, this misses a key point of the software industry: competition can come from competing software products that do not necessarily produce revenue. Two key products that pose serious competition to Microsoft are Wine and Samba. Both allow Windows-compatible applications to run on non-Windows platforms. The leaders of both projects have expressed concern that their ability to continue could be significantly threatened under the terms of the proposed final judgment. The judgment does try to protect access to APIs, which could protect competing software products regardless of whether they produce revenue. However, the definitions of APIs were written such that the above mentioned products, and others, might be precluded from accessing them. I am writing this because I am concerned that without access to these APIs, the software industry itself is threatened. The company for whom I work depends on open source products in order to achieve the gross margins it does. At previous companies, this has also been true. Restricting free products'' ability to compete, as I believe the proposed final judgment does, restricts the software industry's competitiveness while enhancing Microsoft's position in the marketplace. Such an outcome is clearly not in the interest of the American public.

Sincerely,
Juan Lang
Director of Software Engineering
Cranite Systems, Inc.

MTC–00018105

From: parasite@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

I feel it necessary to take time out of my busy schedule to comment on this case which is of dire importance, especially with respect to the entirety of the computer world. The foundation of our society in this day and age, the very progress of science, rest very much upon this issue.

Microsoft is the greatest singular contributor to the means by which knowledge is distributed and disseminated across the word. Mind you, their software underlies a considerable portion of the internet, the very way by which this e-mail was delivered. By virtue of their profits alone, it is clear no other company has delivered so many essential and comprehensive software solutions. It is clear that the companies that stand to gain from any punishment of Microsoft all produced inferior products—the free market place made this abundantly clear. It would be impossible to rationally say that Microsoft prevented competition—so long as an arm of the government wasn't coercing people to use Microsoft's software. And indeed, this was not the case, the computer industry is one of the few havens from which the government had abstained taking such power, while Microsoft progressed ever higher, by viture of it's SOFTWARE alone.

I'm certain that you will receive a great many e-mail in support of GREATER punishment from Microsoft, especially those involved in computer/technical fields. The proposition of any further damning settlement, and even of the punishment Microsoft themselves proposed is a reprehensible perversion of morality. While I am myself seeking a degree in Computer Science—I must warn you that the words of the others involved in computers do not speak for the masses for whom I so speak, and for whom Microsoft has always aimed its products. Those who are involved in computers and oppose Microsoft have agendas behind their actions, with no moral or ethical basis for their arguments. They despise Microsoft because it is TOO good, and (for some) it threatens their jobs by making it possible for even a mediocre computer technician to handle what otherwise would be a task requiring exceeding technical expertise. This is analogous to a group of mathematicians asking the government to punish Texas Instruments for making calculators because they make advanced math problems more accessible to even those of a much lesser intellectal capacity. Other's motivation may be simply that with Microsoft's continued

existence, their own mediocrity cannot stand a chance. Whatever new fields arise in the computer industry, it is sure that Microsoft will make it's best attempts pushing forth its best minds to forge onward with innovative new solutions. If, however, they are punished then those inferior solutions presented by much lesser companies will serve only to stagnate progress, and allow the mediocrites to bring the world down to their level.

I would now like to make a short analogy, and state that this is especially true because a company is not a faceless entity (as so many claim) but is a collaboration of individual minds seeking a specific objective, one which always entails fulfilling their customer's needs— by necessity of existence and motive of profit. Now considering that a company is INDEED comprised of individuals it is therefore an extension of their individual rights to pursue wealth. Thus I would say this settlement is akin in EVERY facet to finding the person of most haughty moral status, and taking them into a courtroom—and terribly decrying their deeds—NOT because they weren't virtuous deeds, indeed—I mean to say that their deeds were of the MOST virtuous type, but yet to decry them because their basking in the limelight of extreme virtue has prevented the morally inferior and lesser persons from having a chance in such light. This is the perversion of ANY settlement against Microsoft. Therefore I thoroughly oppose any and ALL settlements aside from an apology to Microsoft for the damage already caused by the likes of the United States government—not on behalf of the people, but on behalf of those who are only jealous of Microsoft's sucess.

Thank you.
Justin Wilson
815 4th St. Apt 7
Bowling Green, OH 43402

MTC–00018106

From: Nick Austin
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement
Hash: SHA1

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,
Forrest N. Austin
1624 Burrows
San Francisco, CA 94134

MTC–00018107

From: Jon Rust
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed MS settlement is not nearly enough, and just completely misses some of the very reasons why MS is a monopoly. Here are just a few of my problems with it:

+ MS apparently had a big voice in deciding what definitions be applied to API, Middleware, etc. For example, although MS is touting their ''.NET'' initiative as a replacement for Java, Java and .NET are classified in completely different categories. How can that be? Outlook Express and Outlook, which are very similar products, are in different categories. Allowing them these leeways will only increase their grip on the market.

+ Entire Windows OS versions have been excluded from the official classification of Windows OS. These OS's that were excluded are so closely related, many applications can run on them and the Official Windows OS's unchanged.

+ Although undocumented file formats formed part of the Applications Barrier to Entry, no where is MS required to make file formats more open.

+ Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

There are many other shortcomings in the Settlement that need to be addressed. Please do address them, or this will just be another slap on the wrist to MS, similar to the one in the early 90's (that MS totally ignored).

Thanks,
Jon Rust
VCNet, Inc

MTC–00018108

From: Mike McClelland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:04pm
Subject: Microsoft Settlement

I wonder how much of our government has already been bought by Microsoft. Prolly makes ENRON look 2-bit.

MTC–00018109

From: Leif Myers
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I believe Microsoft needs a harsher punishment, the current settlement isn't enough.

Leif Myers

MTC–00018110

From: Bryan Stalcup
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:02pm
Subject: the settlement with microsoft

the settlement proposal is horrible.

microsoft will continue to expand and control more markets if they are not halted here. they should have the browser broken off into a separate company, with the original company banned from making a browser. they should also be forced to document all file formats and protocols thoroughly, i.e., no more proprietary file formats or protocols.

bryan stalcup
—-
bryan stalcup
technophile
classic graphics
charlotte, nc
704.597.9015

MTC–00018111

From: Hasan Muhammad
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

The proposed settlement is an ineffective remedy.

Hasan Muhammad

MTC–00018112

From: Geff Underwood
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement
Hash: SHA1

I disapprove of the proposed settlement in the Microsoft antitrust case. It will not do anywhere near enough to punish Microsoft's crimes, or to prevent future offenses. I agree with Dan Kegel's analysis, which can be found on the web at <http://www.kegel.com/remedy/letter.html>.

MTC–00018113

From: Roberto Dohnert
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

I feel that the major problem with the Microsoft suit is that Microsoft wishes to give away free computers and software. by doing this you are giving them an open door to invade the one market where they dont have Monopoly power. Even tho I think it is a great gesture for them to offer to do this for the poor schools. I think this needs to be an industry effort more than the job of 1 company. A company that has broke the law and continues to do so.

MTC–00018114

From: William R. Mussatto
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: RE: Proposed Settlement

I believe the proposed settlement would encourage Microsoft to continue the behavior for which it has been found guilty. Requiring Microsoft to provide its software to schools would put the schools at its mercy since it can, at any time, render the software and hardware obsolete and unsupportable. It has just done this with Windows 95 (interestingly, just after the courts removed breakup as a remedy). My recent upgrade from windows 95 to windows 2000 require extensive replacement of hardware, even though the test program, provided by microsoft assured me that no hardware upgrades would be required. Reverting to windows 95 was not an option unless I completely reformatted the hard drives. Do we want to put schools through this?

Schools are one of the few areas where Microsoft faces significant competition. The proposed settlement would allow them to increase their marketshare, thus further rewarding their monopolistic behavior. A better alternative would be to require the company to fund the computers and allow them to chose between Microsoft's competitors, specifically excluding Microsoft software. This would compensate the competitors and increase, not decrease future competition.

Unless the performance part of the settlement includes provisions to specifically block the kinds of integration which was found to be in violation of law (i.e., browser, and in the case of XP sound and multi-media) Microsoft will continue to use its

desktop monopoly to exend its reach into the area of servers. They should be required to recall XP and remove this integration, since the OS was built after they had been found guilty of the initial breach. Failure to do so again is rewarding their continued illegal activity.

The company I work for hosts web sites. The various flavors of Internet Explorer (beginning with 4.x) have difficulty connecting to a non-microsoft secure web server (in our case apache-SSL). This is because they fail to follow internet standards for this connection (timingout early, or late depending on the version). Rather than reporting that the browser failed, they report that the web site is down. I find it interesting that this failure only effects web severs who pose a significant threat to Microsoft's ability to expand into the server market.

When faced with an adverse court ruling in their case with Sun concerning java, they stopped supporting a common standard when the courts ruled that they could NOT manipulate the standard to increase their market share but had to compete on a level playing field.

I hope that you will take this into consideration.

The opinion expressed are my own and in no way reflect those of my employer. I can be reached at 276 E. Green St. Claremont CA 91711.

You are specifically enjoined not to release any personal information to a non-DOJ party. Thank you.

Sincerely,

William Mussatto, Senior Systems Engineer

ph. 909–920–9154 ext. 27

MTC–00018115

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement a government rollover !!!!

The Settlement sucks !!!

What ever happened to the founding fathers concept of the ''balance of power''

The government is no longer in control !!!

Now a days the government is a paltry ruber stamp patsy For un-accountable uncontrollable greedy corporate empires.. Microsoft is the ultimate example .... Microsoft and Enron are bussum buddies. Both are symptomatic of the fact that, there is nothing And know one to hold back or restrain the power Corporations have. There is no longer a balance of power .... Remember one thing Absolute power corupts absolutely. Even the puffed up pridefull misconcieved perception Of absolute power gurantees that sinfull coruptible men Will fall into temtation.

Microsoft and Enron two peas in a pod.....

Both grew out of the same pot of greedy selfishness.

MTC–00018116

From: Jason D. Kelleher
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. More importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions redress their previous abuses or compensate the affected parties. This, in my opinion, goes against the very foundation of law.

The provisions within the settlement only formalize the status quo in their strictest interpretation and at worst increase the monopoly power of Microsoft. None of the provisions effectively prohibit Microsoft from abusing its monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a punishment instructions not to commit those acts again, there is no incentive to follow those instructions. That is not justice. While the Court's desire that a settlement be reached quickly is understandable, it is wrong to approve an unjust settlement merely for the sake of expediency.

Sincerely,

Jason D. Kelleher
314 Christina Mill Dr
Newark, DE 19711

MTC–00018117

From: RFC-822=hbarrett@lsanca1-ar2–000–125.lsanca1-dsl.gtei.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

To whom it may concern,

While I am not an attorney, I wanted to take the time to convey that I DO NOT AGREE with the proposed Microsoft settlement. The settlement needs to be written from the ground up.

HOPEFULLY, THE JUSTICE DEPARTMENT WILL HEAR OUR WORDS AND RE-WRITE THE ENTIRE SETTLEMENT!

Harry Barrett
Canyon Country, Ca.
United States Citizen
CC:tunney@codeweavers.com@inetgw

MTC–00018118

From: Eric George
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the inadequacy of the proposed Microsoft settlement.

My largest concern is that of software compatibility between Windows-based systems and future Windows-compatible operating systems. The requirement to publish Windows APIs is flawed. As we have seen again and again, Microsoft is capable and willing to say one thing and do another, leaving the door open for ''published'' APIs to be irrelevant or constantly out of date.

The only way to be sure of compatibility is to require Microsoft (or another entity) to create a compatibility test suite based on the published APIs. The ability to use the ''Made for Windows'' logo (or other branding) would then be dependent on conformance to the test suite, and not merely the published APIs. This test conformance would apply to Microsoft as well as competitors and would give competitive operating system vendors a true, testable baseline on which to base their products.

In addition, the test suite should be accessible by any software vendor for a minimal cost, and Microsoft should not be allowed to release a test suite and new software so quickly together as to keep competitors from utilizing the test suite. Perhaps a moratorium on software releases for a reasonable time after a new version of the test suite is released.

Eric George
egeorge@placebosoft.com
hm: 720–855–0484
cell: 720–231–2335

MTC–00018119

From: Keith Copenhagen
To: Microsoft ATR
Date: 1/23/02 3:03pm
Subject: Microsoft Settlement

Please do not allow Microsoft to continue to flaunt the laws protecting consumers.

Microsoft is unlawfully using it's monopoly to avoid competition, (overwriting suffix links, avoiding the dual boot). It is clear to me that Microsoft will use every tool, unethically and unlawfully to dominate every market it enters.

I feel that any claims of standardization and market cohesion are misleading, and simply rewrite history from the view the monopoly strangling any alternatives.

The proposed settlement is a clear example of using the legal wrangling to force-feed Microsoft products into the schools regardless of existing needs or educational value.

Microsoft does not deserve the overarching market position it has brutally acquired, I think we would all be better served if the Anti-trust laws were applied to the robber barons of the information age.

Keith Copenhagen
Copenhagen Technical Services
California, USA

MTC–00018120

From: Sten
To: Microsoft ATR
Date: 1/23/02 3:04pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

o The PFJ doesn't take into account Windows-compatible competing operating systems

o Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even

contributes to this part of the Applications Barrier to Entry.

o The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

o The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

o The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

o The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

o The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

o The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

o The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

o The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

o The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

o The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

o The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

o Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

o Microsoft currently uses restrictive licensing terms to keep Windows applications from running on competing operating systems.

o Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

o The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

o Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

o The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

o The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

o The PFJ allows Microsoft to discriminate against small OEMs —including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

o The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

o The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Sten Michael Drescher
Software Support Engineer, IBM
PO Box 18371
Austin, TX 78760–8371

MTC–00018121

From: Matthew T Reinke (Humphrey Bogart)
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement is Bad

I think the proposed Microsoft Settlement is a bad idea. I hope you will take my opinion and those of others into account when making your decisions.

Matthew Reink

MTC–00018122

From: matt
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

i believe the proposed settlement is bad idea! it would hurt the consumer and be bad for america. microsoft is a monopoly something must be done!

MTC–00018123

From: maurice
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

This settlement is a slap in the face of every American citizen! Not only is this a ''slap'' on the wrist for microsoft, it's actually more of a ''pat on the back''... The whole settlement is like a back-room deal made by some ''good old boys'' and then spun to look like a punishment at first glance. I feel that this is the type of issue that gives the youth of this nation the idea that it's alright to be ''underhanded'' as long as you can afford the lawyers and lobby the right law makers once caught breaking the rules. I feel completely let down by the federal judicial system at this time—please be sure to do the right thing and make microsoft accountable to the law.

Maurice P.
Buckfield ME

Technology Manager

MTC–00018124

From: Paul Michael Reilly
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

I am writing to, even at this late date, implore the DOJ to reject the settlement and pursue even stronger remedies against Microsoft. Microsoft has shown time and again that it knows of only one way to do business —- to exploit it's Windows monopoly with abandon to crush, eliminate, or in any way conceivable to remove competition from the markets it chooses to enter. The findings of fact of the lower court are indisputable. What is disputable is that the settlement will have any effect whatsoever on the conduct of Microsoft's business practices.

As a small software business executive, I implore you to look to my welfare and create a level playing field so that my company and millions more like mine have a chance to grow and thrive lest we are eliminated once Redmond's radar sees us as a threat.

Sincerely,
Paul M. Reilly
President and CEO
Pajato Systems Group

MTC–00018125

From: Stahl Family
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Historically monopolies have have bad for the country regardless of the product sold. Never in the history of the World has one company held as much market share of what has become a necessary tool. Allow me a few points about the proposed settlement.

When you win a point, you don't surrender to the other side. The settlement is basically this action

Allowing such a monopoly to continue can only be bad for the country in the long term. Yes, disolving Microsift might hurt in the short term. Better we all take our medicine now, and get it over with.

Microsoft is a bad corporate citizen. In every court judgment it has been given it has whined, dragged it feet and, broken the agreement before the lawyers have gotten out of the courthouse. Why do you expect this pattern of behavior will change? A settlement will not work in the best interest of the people. Microsoft ''promises'' are not worth the ink they are signed with.

Microsoft has behaved in a criminal manner. Since when do criminals get to set their own ''punishment''?

Garry Stahl
6940 Mead Dearborn, MI

MTC–00018126

From: James E. Flemer
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

I find the proposed settlement inadequate in protecting the public interest. The terms are far to weak in several areas, providing far too many loop holes and exclusions. The definition of API and ''middleware'' simply do not cover all that should be. The

exclusions to ''middleware'' in Definition J are far too broad, specifically excluding patches, service packs, and updates from ''Windows Update''. The definition of ''Microsoft Middleware Product'' excludes Microsoft Outlook, Microsoft.NET, and Microsoft Office, three significant products that Microsoft has and will use to maintain their monopoly.

Several other topics are excluded such as the publication of all proprietary file formats, and several instances of EULA that prohibit the use of products on non-Microsoft operating systems.

Please tighten up the loop holes in the settlement. This settlement is intended to protect the public interest, but that will certainly not be the case if Microsoft can simply sidestep the stipulations of the settlement, and continue its unfair practices.

Thank you,
-James Flemer
Rensselaer Polytechnic Institute
Troy, NY

MTC–00018127

From: theflame
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Dear U.S.D.O.J:

I really think that the proposed settlement is a bad idea. I encourage you to do the right thing and throw it out.

Derek L. Ramsey
Philadelphia, PA

MTC–00018128

From: sharris@mail00.cdocs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Ms. Hesse and Associates:

One could (and I believe some have) written enough on the proposed Microsoft settlement to fill a book. You have undoubtedly been made aware of the details of these complaints so I will keep my comments brief.

1. The proposed settlement does not address the main issue of the case — namely, that Microsoft used illegal and anticompetitve business practices to achieve and maintain a virtual monopoly. The settlement does nothing to address the damage done to the market nor does it prevent the continuance or repetition of these practices.

2. Not only does the settlement fail to address past and present behavior, but I fear that its general impotence will only encourage Microsoft and others to continue to flout the law and to seek revenge on those who have testified against them.

3. If accepted, the proposed settlement will be a public relations fiasco. The Justice Department under John Ashcroft will be seen as ''soft on crime'' at best. The abrupt change in direction in this case following Ashcroft's appointment may well be linked to campaign donations and presented as evidence of corruption. (There are courts other than those of law, and some of them will accept rumors as evidence). The Ashcroft administration—and by extension, perhaps the President's—will be viewed as being for sale The software industry as a whole already views the American court system as generally corrupt and untrustworthy, and this proposal will only strengthen that perception.

It is my hope that this travesty of a settlement will be rejected.

Sincerely,
Scott Harris

MTC–00018129

From: kilroy@copland.rowan.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

The proposed settlement is ridiculous. I'm a Computer Science professor, and continued advancement of this field as a science requires that anyone with a good idea be able to have access to the market and get investors to support it. Microsoft's behaviour, which was found illegal (a finding which was upheld by the appeals court), has already had a significant quelling effect on those with new ideas trying to begin new companies and advance the state of the art. As proposed, the settlement will contribute nothing toward opening up the computer business further and allowing new and smaller companies to get the oxygen they need to live.

Those at Microsoft have clearly decided that they do not care about the advancement of computing as a science, or advancement of the computing industry, so long as their own profits remain in place. They would rather rule in Hell than serve in Heaven.

Please do not cave in, and allow their vision of only one operating system, controlled by only one company, to stifle the computing field. One hundred years ago, London was the most important financial center on earth. Now it is New York. If Microsoft has their way, twenty years from now it will be Tokyo. Don't make the judgment which lets that happen.

Darren Provine / provine@rowan.edu

MTC–00018130

From: (u)
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Stop microsoft.

They are destroying us all.

Where once I could get a $40/hr job in one hour, I have now been unemployed for over a year. Why? Because Microsoft technology has taken over the market, and being a unix person, there is nothing left for me, even though my state-sponsored school insisted everything would be Unix.

Thanks for nothing.

If the supreme court has any sense of justice, microsoft will be broken up. One OS? I don't think so.

MTC–00018131

From: Roy Pollock
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

As a professional software developer, I am very concerned with the proposed Microsoft settlement and how it will impact the global software market.

I am concerned by the apparent lack of enforcement provisions in the current settlement. Without giving the oversight commitee the power to impose restrictions without a legal battle, we are basically back in the same position, except Microsoft has grown even bigger and exerts even more leverage to assimilate or destroy rivals.

Thank you,
Roy Pollock
Software Developer, Green Hills Software
Santa Barbara, CA

MTC–00018132

From: Peschko, Edward
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:02pm
Subject: tunney act—settlement proposal by government

To whom it may concern:

I read, with deep horror, the DOJ-Microsoft proposed ''settlement'' to US vs Microsoft. Microsoft has basically killed any competition in my industry (I work as an independent consultant, constantly trying to dodge microsoft products and failing), was shown to do so both in Judge Jackson's court, and in the court of appeals, and shows absolutely no sign of changing any of their business practices to help restore competition in the industry. And yet they just might get away with a ''slap on the wrist''—the DOJ has proposed a consent-decree like settlement, when Microsoft has ignored all consent-decrees in the past. In addition, the consent decree is so loosely worded that Microsoft could follow it to the letter and not change a thing about their business practices.

Anyways, I—and pretty much the rest of the computer industry not affiliated with Microsoft—implore your office to please deeply consider both the wording and the effect that the settlement would have on an industry already woefully devoid of competition. We cannot afford to have one entity run roughshod over what should be highly competitive—namely the computing infrastructure of this country. And that is what is going to happen if Microsoft is not given severe enough punishment for its crime—it will leverage its monopoly in the desktop arena and office applications to try to reach a monopoly in home computing appliances (ie: xbox), computing services (.NET), palm appliances (PocketPC), and so on. And even if they fail in doing so, their business practices in the past ensure that they will greatly harm the remaining competition—and the weak economy will only serve to help Microsoft crush the competition better, and further consolidate an already too-consolidated industry. So the settlement proposed does not go nearly far enough—the dissenting states are more on the right track.

Ed

(ps—as an independent consultant I am not affiliated with any of the parties that testified at trial. And I'd be happy to expound on the opinion mentioned—if you want, I can be reached at 650.464.2156)

MTC–00018133

From: Greg Shrack
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a US citizen, I would like to express my views on the proposed Final Judgement in the United States vs. Microsoft Settlement. I have been in the software development field for 7 years. I have felt for many years that Microsoft has monopolistic market positions and tendencies, and has continued these practices even through the current anti-trust investigations. I believe that these practices have hindered innovation and hurt consumers and businesses.

In general, I thing that the proposed Final Judgement is too soft on Microsoft and will not resolve the anti-trust issues at all.

In particular:

* Section 3.A.2 of the proposed Final Judgement appears to prevent Microsoft from strong-arming OEMs that ship dual-boot machines, but offers no protection for OEMs shipping a single-boot machines that do not boot to Microsoft Windows.

* Definition K of the proposed Final Judgement covers Microsoft's Java Virtual Machine, but does not affect Microsoft's .NET strategy. .NET, and the C# language specifically, appear to be designed to woo existing Java programmers with a minimum of new training. While C# is a documented standard, Microsoft's standard method of operation is to extend the standard with Microsoft-only features which eliminate any opportunity for inter-operability. If C# becomes as widely accepted as C++ or Java, I fully expect that there will quickly be divergent ''Microsoft C#'' and ''Standard C#'' implementations.

* There appears to be no solution to the issue of Microsoft proprietary file formats in the proposed Final Judgement. This is huge hindrance, as more and more email attachments are being sent as Microsoft Word documents, etc. File formats were covered in the ''Applications Barrier to Entry'' section of the ''Findings of Fact''.

These are just three of the issues that I was immediately drawn to in the proposed Final Judgement. I am also very concerned with Microsoft's continuing efforts to extend their stranglehold on US consumers and businesses including: * New Microsoft XP licensing schemes which may raise costs for US consumers and businesses. As part of the XP licensing, consumers will not be allowed to load multiple copies of XP on their own hardware. And licensing costs may increase for 59% of businesses (see article in CIO magazine, ''Software Licensing Debate'',

http://www2.cio.com/research/surveyreport.cfm?id=50)

* Microsoft's forays into home entertainment (UltimateTV, XBox)

* Microsoft's new effort to be at the center of the Internet (.NET and Passport)

Thank you for reviewing my opinions. I hope that any Final Judgement in the United States vs. Microsoft trial will be carefully considered.

Greg Shrack
15140 Jessie Drive
Colorado Springs, CO 80921
greg.shrack@usa.net

MTC–00018134

From: Joshua D. Clark
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

The current proposed settlement in the Microsoft antitrust case is UNACCEPTABLE. It does little to prevent the future use of their unfair and unlawful business practices, and nothing at all to punish their past arrogance and greed. Every one of the handful of antitrust trials brought against Microsoft in the last decade has established the same thing: that Microsoft, in one or another of its markets, has used illegal practices to gain an unfair advantage or force competitors out of business. I, and millions of others, are tired of paying artificially inflated prices for insecure, bug-riddled software from a *convicted* monopolist. We can NOT allow Microsoft off this time with a mere slap on the wrist. They have committed great wrongs and caused great harm to the PC software market; the punishment must be equally as great. They must be made to pay reparations to the system vendors and internet providers which they have entangled in dictatorial contracts, and to the businesses, schools, and individuals whom they have bilked with outrageous licensing schemes and inflated prices. Microsoft owes an immesurable amount of its ill-gotten fortune to corporations such as Netscape, Digital Research, Stac Electronics, Symantec, and a host of other companies long since vanished—all due to MS'' blatantly selfish and anticompetitive dealings. The era of Microsoft arrogance and dominance must end, and it must end NOW.

Joshua D. Clark
a concerned citizen

MTC–00018135

From: David Charlap
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I disagree strongly with the propsed settlement that is about to be used against Microsoft. It is far far too weak to have any impact on the industry.

Microsoft has signed several consent agreements with the DoJ over the past decade, and they have violated many of them. This is not in question—it was proven in court during their antitrust hearings. Because of their past history of violating consent agreements, they can not be trusted to adhere to any new consent agreements. Your proposed remedy does nothing to change Microsoft's business practices. The people responsible for their anticompetitive behavior will remain in charge of the company, and their monopoly market position remains in place. Asking them to stop will accomplish nothing, because they have already disregarded several other past consent agreements. In other words, I believe that the propsed remedy will be completely ineffective. Microsoft will provide only token compliance with it, and will blantantly disregard any aspect that it considers overly restrictive. Any attempt by the government to prevent them from doing this will be ineffective, since all such procedures will very be time consuming. During the time it takes for the government to punish Microsoft for violating the terms of this agreement, they can run competitors completely out of business.

I believe that the only solution that will permenantly curb Microsoft's repeated abuses and contempt for the legal system is to either break the company up into three divisions (operating systems, development software, and application software), or to remove all senior officers from their positions of power. I believe that the public is best served by the former remedy.

— David

MTC–00018136

From: Andrew Louis Perez-Lopez
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

To Whom it may Concern:

I have read the documents associated with the Microsoft anti-trust case. As a user of a non-Microsoft operating system, I feel that more should be done to allow for the interoperation of non-Microsoft operating systems with Windows, and also with programs, particularly the MS Office Suite. I'm not sure what the best solution would be, but I have personally seen the effects of closed file formats on operating systems. I have known people who have been prevented from trying non-Windows operating systems by the fear of not being able to run MS Office. They need to run MS Office, because none of the many freely available word processing systems can properly understand Microsoft's closed file formats. If these formats were to be publicly documented, then free alternatives could support the files, and other operating systems would not be unfairly disadvantaged. In light of this, I think more needs to be done before Microsoft is let off the hook for years of anticompetitive business practices that have put so many companies out of business. That said, I want to thank you all for working diligently on my behalf in this matter. I am confident that you will be able to come up with a new agreement that better serves the public interest and that will make Microsoft play fair and allow it to succeed by excellence, innovation and competition rather than dishonest business.

Sincerely,
Andrew Perez-Lopez
Charlottesville, VA

MTC–00018137

From: Ocie Mitchell
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I would like to briefly state my objections to the proposed final judgement (PFJ) between the doj and Microsoft.

Microsoft's file formats would remain secret under the PFJ. This aids Microsoft in maintaining its monopoly and forcing users to upgrade to the latest software. Microsoft's APIs would also not be effectively opened by the PFJ. Apis that Microsoft must disclose on a reasonable and non-discriminitory basis effectively rule out any free-software, university research, or any non-commercial use of the information.

Programmers would not be able to make their own middleware to emulate a windows environment because the PFJ prevents them from using the API information provided by

Microsoft, and because the APIs are covered by several patents, which are not disclosed. Finally, Microsoft can continue to have undocumented APIs which implement ''security'' or ''content control'', and are thus too vague and widespread.

Business practices that are still allowed under the PFJ include allowing Microsoft to discriminate agains OEMs that ship PCs without a Windows operating system. The PFJ requires Microsoft to offer the same terms to the top 20 OEMs, but makes no mention of smaller OEMs. Microsoft would also be allowed to offer discounts to OEMs that sold other products such as office, or pocketPC, thus extending/strengthening their monopoly into these areas.

I believe the PFJ is weak in these and other areas and it should be written to be more inclusive and not as narrowly defined. Microsoft found and exploited loopholes in the 1995 consent decree, and there is no reason to believe that they will act differently this time. Microsoft has been found guilty of violating anti-trust law, but is not being fined for this violation.

Thank you for your time,
Ocie Mitchell
Pasadena, CA.

MTC–00018138

From: greg@dignus.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I disagree with the ''revised proposed final settlement.'' The prohibited conduct as it applies to OEMs has already been determined to be illegal, so prohibiting it does not change MicroSoft's position in any way. They have been found in violation and simply restating the law to them will not impact them. The situation must be altered such that MS is no longer in a position to exert this form of pressure on OEMs.

The requirement of the publishing of various MicroSoft APIs (III.D) through MS Developer Network is also incorrect. It allows, primarily, MicroSoft to make arbitrary demands (of money, identification, and technological capability) before you are allowed to view any of their information. Also, they already publish the overwhelming majority of their APIs. The trouble is that their publications are lies (''in error'', ''mistaken'', or ''outdated'', the result is the same: only MicroSoft knows how it really works). Forcing more publications will not cause MicroSoft to cease distorting standards with their current policy of ''embrace and extend''. It will not eliminate MicroSoft's defacto standard status.

Such language as ''timely manner'' is completely unacceptable in a contract with MicroSoft. MS has, in the past, demonstrated an eagerness to act in bad faith. No vaguaries of language are acceptable, then. A distinct number of days needs to be allowed before they are found in violation, and once they are in violation a clear, simple, and financially lethal course of action should be described such that MS has no way out but to follow the contract. I.e., if MS ships Windows 2002 before it provides API documentation, you must not allow them to provide it in a ''timely manner'' before beginning to decide whether anything should be done. Once a specific number of days elapses (say 5) from release, MS should immediately be found in violation of the agreement, their current advertising budget must be reappropriated to informing the public of the crimes MS has commited, and their product must be removed from the shelves until such time as compliance is established. Anything less and MS will NOT act in a timely manner no matter how lax your definition. They will spend years, then, in litigation to decide what should be done to them for a violation that, by the time it is settled, is irrelevant. You may note that the current lawsuit originated with Netscape, and it is nowhere near finished even though Netscape long ago disappeared.

III.E is similarly flawed. Their email product, for example, operates with protocols described in already public ''Request For Comments'' publications (RFCs). When asked to publish their protocols MS will simply republish these documents that are already available. However, MS does not simply follow the standard described in these documents, they embellish and distort in order to make their product more popular and then, over time, no longer interoperable. They will, in bad faith, pretend that this is an accident, or necessary for proper software evolution, but it will happen nonetheless.

The differences between the currently published standards and the way MicroSoft software operates are minor enough that it would take a jury of programmers to decide if MicroSoft is in compliance with its own documentation, but major enough that it renders operability with MicroSoft software nearly impossible. By the time any technical audit is performed to prove that an MS product is not in compliance, the product will already have been adopted in the marketplace. Once convicted they will simply release a new version of the product that complies on the points in question and features new ''accidental'' features that again violate the standard.

MicroSoft will act in bad faith. A ''be good'' document will not change anything. Punishment is imperative. My recommendation is that MicroSoft lose all intellectual property rights.

Greg Alexander
103C Hanna St
Carrboro, NC 27510 USA
Programmer
Dignus, LLC. (Raleigh, NC)

MTC–00018139

From: James Luzenski
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I disagree with the Microsoft settlement, it needs to be much tougher on Microsoft by making amends far and above what damage was done.

James Luzenski

MTC–00018140

From: Ian Bennett
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

Hello,

I am writing to register my dissatisfaction and personal objection to the proposed settlement in the United States vs. Microsoft case. I do not believe that such a settlement would be in the public interest. The Proposed Final Judgement would allow Microsoft to increase the barrier to entry for competing products by allowing Microsoft to continue implementing increasingly restrictive licensing terms for its Windows OS. This would not be of benefit to consumers, and would only serve to promote Microsoft's anticompetitive practices.

Thank you for your time,
Ian R. Bennett
Network Administrator

MTC–00018141

From: Marc Prudhommeaux
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I think the proposed settlement will have no impact whatsoever on Microsoft's behaviour. Please reconsider a more appropriate settlement. As a computer programmer in a language that is unpopular with MS (Java) on a platform that is more unpopular with them (Linux), and am very worried that they will destroy my career by destroying the technologies that I rely on. My ISP, QWest, as bought by microsoft, and already I am seeing how they are trying to prevent me from running Linux (they don't let me send or receive mail, not may I real newsgroups).

If you want me to describe these things in any more technical detail, please let me know and I will happily provide you with more information.

Sincerely and Hopefully,
Marc Prud'hommeaux
mwp1@cornell.edu

MTC–00018142

From: Bob Ellis
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement
Bob Ellis Inc.
2417 Bayfront Parkway
Orlando, Florida 32806–7337
Tel: (407) 859–5883..Fax 859–5350..Cell 247–9072 ''mailto:rellisl@cfl.rr.com''
rellis1 @cfl.rr.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC, 20530

Dear Mr. Ashcroft,

I am pleased to know that the federal government has reached a settlement with Microsoft. After three years of litigation, the settlement is fair to both sides and should be beneficial to consumers. The agreement is extremely comprehensive and mandates many adjustments in the way Microsoft carried out their business in the past. Microsoft has agreed not to enter into any agreements obligating any third party to distribute any portion of Windows exclusively. Also, the company has agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or

promoting software that competes with Windows. Finally, the government assured compliance by negotiating for the creation of a Technical Committee to monitor Microsoft's compliance. IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society. ??

I believe Microsoft and Bill Gates have done tremendous good for the United States. Their products are used by millions of citizens and help make the economy stronger and more efficient. I commend you for your efforts to settle this case and hope no further action will be taken on the federal level.

I must say that I am very happy that Bill Gates is an American and that he was not a citizen of another foreign country as if he was, we would be sending checks from the United States to that county to purchase the excellent products that Bill Gates and Microsoft has delivered to our good citizens.

Sincerely,

Robert M. Ellis, President

But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

CC: Representative Ric Keller

MTC–00018143

From: Nate Bowler
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

I am a software engineer that has worked in the computing industry for over 8 years. The proposed settlement between the DOJ and MS is, in my opinion, a complete sellout on behalf of the DOJ that will do NOTHING to increase competition in the PC software marketplace! Nothing in this settlement prevents MS from leveraging their monopoly in desktop operating systems into new areas. In fact, during the course of this very trial, MS has released Windows XP with an integrated Media Player, Instant Messanger, and hosting service signup that exploits the exact same position as the browser integration which began this proceeding.

Please reject this settlement.

Nate Bowler
2352 S. Dakota Ave.
Provo, UT
84606

MTC–00018144

From: Prashanth Siddalingaiah
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Public Comment

To Whom It May Concern:

I have read many letters and emails sent to me by friends regarding the Microsoft Settlement. This letter written by a close friend shows how I feel also. Please remember that your role is to protect us; the citizens of this nation from monopolies that constrict a free market. Take the time to revisit these issues. It would be a great loss if you did not. Thank you for your time and effort in this settlement.

Sincerely,

Prashanth S.

''I am firmly opposed to the current proposed settlement term in the Microsoft case. The terms do no fully redress the actions committed by Microsoft in the past, nor their ability to commit similar or anti-competitive actions in the future.

Many of the provisions in the current settlement will not effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. In view of Microsoft history of anti-competitive practices correcting this is vitally important. A few issues that have been brought to my attention are:

1) The settlement does not take into account Windows-compatible competing operating systems. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The settlement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

3) The settlement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4) The settlement Fails to Prohibit Anticompetitive Practices Towards OEMs. The current settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Please refer to http://www.kegel.com/remedy/remedy2.html for other issues that must be addressed for the settlement to be fair and equitable to all interested parties.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. I implore you to look into these and the other issues before before pursuing closure on this matter.''

MTC–00018145

From: Bob Weiner
To: Microsoft ATR
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a high-tech executive and software architect with 16-years of experience developing software on a dozen different operating systems including versions of Microsoft Windows, UNIX and Linux. I and most of the technology industry people I know feel confident that the proposed settlement of the Microsoft anti-trust case in which Microsoft was convicted of monopolist behavior will have little if any effect in preventing the corporation from continuing to pursue strategies which illegally discredit and bankrupt firms which choose to compete in its industries (eventually, anything digitally-driven). At a minimum, any settlement agreement must include the following terms if it is to prevent Microsoft from doing further harm to the once vibrant software industry in this country:

It must preclude Microsoft employees and contractors from utilizing *any* APIs (application programming interfaces) prior to having such APIs anounced and published in an open format, e.g. HTML, on the World-wide Web for at least one month. Otherwise, Microsoft application developers will always use their internal knowledge of new releases of Microsoft's operating systems to both add new features to their applications and make it more difficult for competitor's products to run properly as Microsoft changes the programming frameworks upon which they rely. It must not allow Microsoft any say in the enforcement of the punishment, i.e. selection of 50% of the oversight team put in place to oversee its implementation of any actions. It must include significant go-forward penalties if Microsoft is declared by the oversight team or by the judicial system to be in violation of any settlement agreement, e.g. its operating system technologies placed in the public domain. It must force Microsoft to publish all available internal documentation and APIs on all of its file and data formats for all of its programs on the World-wide web in perpetuity. It must allow royalty-free use of this information in the development of alternative technologies which read, write and execute such formats.

Without such stringent declarations the settlement will have no significant impact on Microsoft or the industries and consumers from which it has already taken considerable wealth and future opportunity.

Best regards,

Robert Weiner
bob@deepware.com

MTC–00018146

From: Fen Labalme
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Please, for the sake of us all, reject this proposal in favor of a much stronger remedy. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for

settlement's sake. A wrong that is not corrected is compounded. While it is doubtful that the true losses can ever be recovered from Microsoft, a fair settlement should include the permanent opening of all Windows and Office API's and file formats so that competition becomes possible.

Sincerely,
Fen Labalme
1899 California Street #9
San Francisco, CA 94109

MTC–00018147

From: Kathy Wheeler
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

I am not a US citizen or resident, but I hope you will not discount this communication out of hand—just because I am not a potential voter in your elections.

I live and work in Australia. For years my computer operating systems of choice have been non-windows, non-microsoft systems. Because of Microsoft's buisness practices and our comparatively small market, it has been increasingly difficult to get the products and support I require for non-microsoft products. I DO NOT WISH TO USE MICROSOFT PRODUCTS AND FEEL STRONGLY THAT BEING FORCED TO USE THEM IS A VIOLATION OF MY BASIC RIGHTS.

The settlement you have reached with microsoft is known worldwide within the industry to be politically motivated. It is also recognised worldwide as woefully inadequate. It will make no appreciable change to microsoft practices—especially overseas out of your direct jurisdiction. The discarded solution of splitting microsoft up was never going to work. microsoft were way ahead of you there as well. I will not pretend to know of an effective solution, but I will say that if you do not act wisely and decisively now, you will be instrumental in creating an enormous rod for everyone's back—not just your own.

Please put aside political pressure if that is at all possible, and try to do what is best for ALL IT innovation, not just microsofts'. I have some hopes that a positive and forward thinking result in the US anti-trust case may convince microsoft to reconsider it's practices worldwide, or at the very least open the eyes of the technically naive public to microsofts'' underhanded tactics. As it stands, every decision to date has been mis-interpreted by a high proportion of the general community as a vindication of microsofts'' position—flying in the face of the evidence to the contrary. That is the power of the microsoft spin-machine. That is one of the biggest challenges you face.

Good luck and regards,
Katherine Wheeler
kathyw@albury.net.au

MTC–00018148

From: Charles Kerr
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

Dan Kegel's discussion of the proposed final judgement, located at http://www.kegel.com/remedy/remedy2.html, which covers issues with the proposal in remarkable detail. I strongly recommend that the issues raised in Mr. Kegel's document be taken into consideration.

Thank you for your time.
Charles Kerr

MTC–00018149

From: rcooper
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I am the IT director for James Coney Island, a small fast food chain in Houston Texas. We have been in business since 1923 and have 23 Locations in the Houston area. I Am writing because as a concerned citizen of the United States I feel I have an obligation to complain about the proposed settlement with Microsoft.

I have been in the computer industry for over 23 years and have seen the landscape change a lot over the years. I find it very alarming that Microsoft seems to get away with doing what it wants in an industry it rules with an iron fist. No where in the proposed settlement agreement do I see where Microsoft is being punished violating the Sherman Antitrust act. No where do I see any reasonable solutions that will keep Microsoft from violating the law again.

If the court really wishes to solve the Microsoft problem and allow a level playing field in the industry, it would require that Microsoft's closed binary office formats (such as Word and Excel) be opened up to everyone. In this way, the average consumer and business can freely communicate with anyone using software of their choice and not being forced to use Microsoft products.

Currently, I conduct a lot of business via Email and because of Microsoft's monopoly, I get a lot of Email attachments in either Excel or Word formats. The problem is I do not wish to use Microsoft's products. Their Monopoly status has ensured I have no choice in using tools of MY choice that I make my living and conduct business with.

Another problem is the Internet. Because Microsoft has a monopoly on the Desktop and because it illegally tied Internet Explorer into its Operating system, much of the web is being designed to view content correctly only under a Microsoft Browser. This is just wrong. No one company should have this kind of power over me.

There are many reasons to be concerned. I have yet to see any American company hated as much as Microsoft. Why is this? Their actions speak louder than words, they are so big they feel if they are above the law. Now is the time to set the example to everyone that breaking Federal Monopoly laws will NOT be tolerated. Please rethink the settlement and give this company the monitoring and punishment it deserves after having put countless competitors out of business and price gouging world wide consumers for years through illegal monopolistic, anti-competitive practices.

This HAS to stop now if the computer industry is to make any progress in the future.

Thank you
Ron Cooper
James Coney Island Inc.
Houston Texas.

MTC–00018150

From: Douglas Moore
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

Letting Microsoft get away with it's previous behavior with such a timid hand slap is counter to the principles of justice that this great nation is built on. I encourage those involved on the side of the Department of Justice to reconsider this settlement proposal, and either put forward another which includes real consequences for Microsoft, or recommence the case itself to a punishment phase.

Consider this a tally against this settlement proposal.

Thank you

MTC–00018151

From: Stephen Verstraete
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Proposed final judgement

The proposed final judgement on the Microsoft Anti-Trust issue should be thrown out as it is lacking for several reasons.

1. The Final Judgement does not constitute any admission by any party regardy any issue of fact or law. Microsoft should be bound to admit that their practices are anti-competitive.

2. In Section D, ''Starting at the earlier of the release of Service Pack 1...'' is faulty as Microsoft could simply get around the idea by calling Service Pack 1 by a different name.

3. Provisions should be made in section H to not only remove access to the products but remove the products wholly from the system without otherwise affecting the use and stability of the operating system.

MTC–00018152

From: Alan Santos
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement is a bad idea

Microsoft has broken the law. There are no realistic remedies being proposed to right the wrongs they have committed. I am voicing my complaint at the lack of a real settlement. Please re-evaluate all of the options and find a more suitable settlement that prevents microsoft from abusing its monopoly in the future.

Thank you.

MTC–00018153

From: B Collins
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

Microsoft has used its effective monopoly of the computer operating system to establish and conduct anti-competitive practices in other parts of the software industry. This has been shown to be illegal use of its monopoly power. The remedies should effectively prevent such behavior in the future, and should prevent Microsoft from profiting from its illegal behavior.

The remedies contained in the proposed settlement do not do any of these things, and will allow Microsoft to continue and expand its anti-cmpetitive practices, to the detriment of competitors and the public. The proposed settlement should not be approved.

Much stronger remedies are required.
William G. Collins, Jr.
2 Spyglass Drive
Aiken,SC 29803

MTC–00018154

From: Jim McBeath
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I think the proposed settlement is not effective as either a deterrent or a punishment. There is little in the settlement to prevent Microsoft from continuing their anticompetitive practices, and there is no effective enforcement of what little is there. http://www.kegel.com/remedy/letter.html points out quite a few problems with the settlement. There is a large sentiment out here that the DOJ has given up, ''rolled over and played dead'', and that Microsoft is laughing. The settlement needs to be substantially revised.

Jim McBeath
jimmc@nwlink.com

MTC–00018155

From: Jonathan Graehl
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

I have read and am opposed to the proposed settlement of your suit brought against Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). I feel the end result will be little more than another protracted court case five years down the line as Microsoft continues to abuse its monopoly position with little fear of meaningful consequences.

A better settlement would ensure that Microsoft's monopolies in unrelated software markets (for example, Microsoft has a monopoly or dominant position in a different category of software with each of these: Windows, Internet Explorer, Outlook/Exchange, Word, Excel, PowerPoint, Visio) cannot be leveraged to gain monopolies in new categories of software, or exclude competition from interoperating on the level of communication protocols, file formats, and application programming interfaces—especially by volunteer Open Source software. Provisions for RAND licensing of patents held by Microsoft aimed at denying interoperability are not sufficient; the licensing must be free to the public.

Technical communications between different Microsoft applications (new and existing) should be performed only through a ''Chinese Wall'' where APIs, file formats, and protocols are available to the public as well as to the Microsoft teams. Enforcing this would require oversight by software engineering experts—the level of detail available must be sufficient to allow interoperable products to be created without any obstacles from patents, nondisclosure, or necessity for reverse-engineering.

Any file or network communication that is sent between different installations of a Microsoft product must be publicly documented as well, in sufficient technical detail to allow, without any encumbrance, other programmers to create from those specifications a replacement for the Microsoft product that can interoperate without any limitations compared to the original Microsoft article.

Loopholes allowing Microsoft to dictate in any way the terms of use of this technical information (including NDAs and non-royalty-free patent licensing), who to make this information available, or what information to make available would kill the benefit of this settlement, and result in another court case years down the road as Microsoft continues to illegally leverage its monopoly (to the detriment of the economy).

Regulating the price at which Microsoft may sell or bundle products would not benefit consumers, as the actual marginal cost for a copy of software is zero dollars.

I also do not believe that forcing disclosure of the source code of Microsoft Internet Explorer is necessary or fair. It would be more useful to force Microsoft to make publicly available the technical specifications for the APIs that integrate Internet Explorer functionality with basic Operating System Shell (Explorer) and its Office Suite, again, sufficient that competitors, Open Source or commercial, can offer competing browsers that can benefit equally with Internet Explorer with the web-browser integration in other Microsoft products. This would require modification of all Microsoft products that use Internet Explorer directly to use a new public API that would allow a replacement browser to fill the same role.

It is most important that Microsoft be forced to make public technical specifications that allow interoperable competition to their various products, which would have immeasurable benefits to the economy and to consumers, as real (even free) alternatives to the Microsoft monopoly will inevitably arise, and result in competition ensuring better software from Microsoft (and their competitors) for a lower price than we would see under the current, flawed settlement.

There is always the risk that no matter what the settlement dictates, Microsoft will drag its feet and intentionally provide poor quality technical information in order to continue to make it prohibitively costly to compete in its monopoly arena. An excellent concrete test of the quality of Microsoft's compliance has been proposed by Dan Kegel, which in addition to costing Microsoft more money as the quality and accuracy of their documentation decreases (thus creating a financial incentive for satisfaction of its duties), would provide great benefit to consumers by allowing them to use Microsoft Office without being forced to use Microsoft Windows (the dominance of Microsoft's Office suite in the business arena is the primary reason that many users are locked into using a Microsoft operating system): (begin quote)

I recommend that subsections 14b and 14c be struck, and replaced with a new subsection reading ''Contracting with a Third Party to Enhance Wine to Support Microsoft Office. Within 60 days of entry of this Final Judgment, Microsoft must contract with one or more outside firms to enhance the Open Source Windows Emulator WINE to be able to install and run Office 2000 under Linux. The work shall continue, with new releases of Wine occurring every 30 days, until completed, or until the expenses incurred by the outside firms reach 1 percent of the total development and marketing costs of Office 2000. The resulting enhancements to Wine shall be released under the same license used by Wine itself. Furthermore, as soon as practicable, but in no case later than 60 days prior to the date each new version of Office becomes commercially available for use with a Windows Operating System Product, Microsoft shall again contract with one or more outside firms to enhance the Open Source Windows Emulator WINE to be able to install and run the new version of Office under Linux. The work shall continue, with new releases of Wine occurring every 30 days, until completed, or until the expenses incurred by the outside firms reach 1 percent of the total development and marketing costs of the new version of Office. The resulting enhancements to Wine shall be released under the same license used by Wine itself.''

Furthermore, the license agreement for Microsoft Office and all other Microsoft products sold separately from a Microsoft Operating System shall not require the user to own any other Microsoft Software or Microsoft Operating System. (end quote)

Let's not repeat the mistakes that were made in the previous consent decree, which Microsoft has made a mockery of since, by leveraging their monopoly into new territory without regard for the law. One need only look at the increased sales of their products, combined with the prices to buy them, compared to the fixed development costs, and their resulting cash reserves, to see that Microsoft is profiting at the rest of the economy's expense. Making Microsoft a government-regulated monopoly and telling them what products they can and cannot sell, for what prices, is not a good solution (although they should not be allowed to coerce OEMs into distributing software package A without software package B). The solution with the most benefit to the economy, while still allowing Microsoft to compete by producing software as well as it can, is requiring Microsoft to publish technical specifications sufficient to allow the creation of competing products (Open Source or commercial) without any impediment due to Microsoft's monopolies in several categories of software. I cannot emphasize enough that any remedy that does not allow the creation of Open Source alternatives to all of Microsoft's software components will result in higher prices and lower quality software. Microsoft should not in any case be allowed to dictate the licensing of competing products, just as we should not compel Microsoft to give away its products (or their source code).

An ineffectual settlement that allows Microsoft to continue to shut out competition, rather than beating it with a better product at a better price, will be an embarrassment for the DOJ, for this administration, and for the people.

A concerned citizen of the United States of America,
Jonathan Elijah Graehl
jonathan@graehl.org
2885 Denise Ct.
Newbury Park, CA 91320

MTC–00018156

From: Kari Massarene
To: RFC-822=microsoft.atr@usdoj.gov (with a subject of...
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

Dear Sirs:

I do not feel that the proposed settlement in the case of DOJ vs. Microsoft provides sufficient safeguards to ensure that Microsoft's monopolistic business practices be stopped. Microsoft is still allowed to write end user licenses that prevent users from legally running some Microsoft applications on open source operating systems.

Very respectfully,
Kari A. Massarene
San Diego, CA 92154

MTC–00018157

From: Bob St.John
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a professional software vendor and publisher, I'm deeply effected by this settlement. I need to support users on Windows and other operating systems. The most important thing to me is to have Microsoft clearly and publicly document Windows APIs, so I can assure that software is designed and works properly.

MS has a history of using undocumented APIs to leverage and control vendors. Causing applications to ''break'' and users to suffer. Eventually the vendors suffer and we all suffer.

This really has to stop. The materials need to be clearly documented and failure to comply should be punished severely.

Regards,
Bob
Bob St. John
Dir, New Business Development
Serenity Systems International
a Managed Systems company
214 222–3414, ext 101 (outside USA)
888 299–6483, ext 101 (USA only)
http://www.Serenity-Systems.com

MTC–00018158

From: chuck418@space.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: MS settlement offer

I'm glad you've asked the public to comment on the recently proposed settlement. While I appreciate many of the things Microsoft has done with it's monopoly position, I feel that their business tactics have hurt American competitiveness in the technology sector in two main ways:

A). Competing products do not have an opportunity to prove their worth in the marketplace in the face of the types of opposition MS generates. Most smaller companies have to close their doors in the face of MS lawyers rather than fight. And many good, income and efficency producing ideas are lost to American business because of that.

B). There is a hidden MS tax in every computer product we build or sell. Licencing agreeements force hardware manufacturers to sell a slew of Windows products with each computer, reguardless of it's intended use. If I want a seperate computer for just multimedia, I still have to buy Windows, MS Office or MS Works, even if I use OPenBSD or Linux. Meanwhile, someone in China can sell just the hardware itself (without the ''usual'' OS and Office Aps) much cheaper. Same machine, just cheaper from our foreign competitors. I mean, just from a pure marketplace analysis, you can buy a cutting edge system CHEAPER from a communist nation than from the USA (who invented the technology)! And it's primarily these restrictive licencing agreements from MS that are hobbling our market share.

The US economy needs the freedom to innovate, and the current proposed settlement does not free MS partners and competitors from thses burdens. And don't even start me on viruses, Active scripting and ports left open by default! That's just carelessness on MS's part. We need a better solution for American competitiveness.

Best,
Charles Landau, MPH & JD

MTC–00018159

From: Lionel Artom-Ginzburg
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

Dear Department of Justice:

The proposed settlement with Microsoft is wholly unacceptable. It fails to remedy their illegal actions (a breakup of the company or loss of intellectual property rights on the offending products would be far more suitable), and places ''restrictions'' on them that they have already, with the release of Windows XP, ignored.

When I took Antitrust law two years ago, I was taught that Antitrust law was the mechanism which kept market competition honest, and that remedies for its violation must go to the source of the violation. The reason for the current suit was in part Microsoft's violation of an earlier consent decree. It is obvious that they do not take the law seriously, nor do they feel they have done anything wrong. (The sheer arrogance of attempting to appeal findings of fact was unbelievable.)

I suspect that because of the financial importance of the company to the American economy, the truly heinous acts they have committed are being ignored (you of all people should know how hard it is for a company to lose on rule of reason counts!). The state attorneys general are right— there is nothing here that will prevent them from the same acts in the future. They've already started. Windows 2000, ME, and XP, all released since the initiation of the suit, have all continued the monopolization of the desktop and browser market.

The provisions of the Tunney Act permit citizens to comment on proposed settlements. As I'm in the midst of studying for the Pennsylvania Bar at the moment, I don't have time for a legal analysis of this settlement. But as a consumer and former computer consultant, aside from my law degrees, I know that I must speak against it.

Sincerely,
Lionel Artom-Ginzburg (JD, LLM, Temple University School of Law)
1720 Spruce St. Apt. 8
Philadelphia, PA 19103

MTC–00018160

From: DH Walker
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

The proposed settlement is an outrageous sellout engineered for the benefit of a convicted monopolist and against the interests of computer users and America's technological future. Please reject it and require a settlement that actually addresses the facts found in the District court case.

The US Court of Appeals unanimously agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. Microsoft operated illegally and greatly benefited from its illegal behavior. The proposed settlement does nothing to punish Microsoft for its past illegal behavior, nor to effectively discourage further illegal activity in the future. Microsoft has already shown that it has learned nothing from the findings against it. To take just one small example, look at the millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP—and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision upheld lower courts in finding this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system; nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct . . . [and] . . . terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset. Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly.

Finally, the proposed settlement does nothing at all to address the issue of effective

remedy alongside enforcement. The proposed penalties are so ridiculous that they call into question the integrity of the DoJ and the states that agreed to them. An extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). The propaganda effort from Microsoft and its allies has been to treat this case as just another instance of government intervention in the private sector. In reality, the outcome will be pivotal in shaping American society for decades to come. Computer technology runs not just our desktop computers, the Internet and our communications system—it is rapidly becoming integrated into every aspect of life, from cellphones to news and entertainment systems to household appliances. The outcome of this case will determine whether the promise of breathtaking new technology is fulfilled and available to all, in the process keeps America at the cutting edge of development, or whether the promise fails because one company is allowed to keep stifling innovation as a means of holding onto its ill-gotten power.

The proposed settlement is so inadequate as to be an obscenity. It should be rejected and the DoJ and the States directed to follow the rulings of the Circuit Court and lower courts instead of ignoring the findings of fact and law, and currying favor with unrepentant monopolist outlaws.

An awesome decision has fallen to you. I trust you will vote for the future and for America.

Sincerely,
David H Walker
Keyword Communications
2017 W Touhy
Chicago IL 60645

MTC–00018161

From: Barak Pearlmutter
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not in any substantial way redress the actions committed by Microsoft in the past, or inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none would effectively prohibit Microsoft from abusing its monopoly position. This is especially important in view of the seriousness of Microsoft's past transgressions.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses, and that in a fashion which is unlikely to be effective. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' a request to not commit such acts again, they have still benefited from their illegal acts.

That is not justice.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement merely for settlement's sake. A wrong that is not corrected is compounded.

Yours Truly,
Prof Barak A. Pearlmutter
Department of Computer Science
University of New Mexico
Albuquerque, NM 87131

MTC–00018162

From: Chris Bednara
To: Microsoft ATR
Date: 1/23/02 3:12pm
Subject: The settlement does not go far enough and lacks the teeth to enforce what little it does.

The current DOJ settlement in the Microsoft Antitrust suite is lacking in both form and function. Microsoft clearly enjoys a monopoly in the Desktop Computer market. The evidence presented in the case clearly showed that Microsoft has repeatedly leveraged their OS dominance to both protect that position and expand their company into other non-PC/OS fields.

The settlement needs to make it IMPOSSIBLE for Microsoft to give ANY incentive or penalty to an PC manufacturer/vendor for putting a Microsoft OS on their PC's or not installing and Microsoft OS. Due to Microsoft's great power it can wield, this ban must be absolute!

The settlement must also keep Microsoft from leveraging it's OS dominance to help it's own OS interests and other software interest. This means that they need to be banned from using any API's that aren't public knowledge, banned from requiring any licensing agreement that restricts where software may be ported to, or what other software can be used on the same system with said licensed products, and banned from giving incentives to companies for agreeing to not use or publish non Microsoft products. Even in the settlements flawed form, the method of upholding the settlement is wishful thinking at best. Hard concrete punishments need to be stipulated for each infraction by Microsoft. Penalties such as LARGE financial penalties and even a real threat of company division, must be put in place. These need to be administered by Jury of some sort that is picked out of candidates that are picked from the industry.

There needs to be a procedure that is set up that makes it easy for a company to file a complaint that will be ruled on if it believes that Microsoft is abusing it's market monopoly.

Thank you,
Christopher I Bednara
chris@bednara.com
97 Spring Glen
Collinsville, IL 62234

MTC–00018163

From: Concerned Parent
To: Microsoft ATR
Date: 1/23/02 3:12pm
Subject: Microsoft Settlement

NO!!!!!

THE CURRENT PROPOSED MICROSOFT SETTLEMENT IS A TRAVESTY OF JUSTICE.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

THIS IS COMPLETELY AND UTTERLY UNACCEPTABLE! WHAT DOES IT TAKE FOR YOU PEOPLE TO DEFEND YOUR CITIZENS AGAINST SUCH PROFOUNDLY OFFENSIVE MONOPOLY PROTECTIONISM? IT IS ABSOLUTELY ASININE THAT SUCH A PROVISION CAN BE FOUND IN AN OPERATING SYSTEM MONOPOLY SETTLEMENT. WHO WAS BRIBED? WHO WAS WEAK? WHO WAS EXASPERATED?

Back to the drawing board, people.

SUCH PROVISIONS PROMOTE AND EXTEND MICROSOFT'S POSITION AS A MONOPOLY.

FOR THE GOVERNMENT TO ACCEPT SUCH PROVISIONS INDICATES THAT THE MICROSOFT MONOPOLY IS SANCTIONED BY THE UNITED STATES GOVERNMENT. THIS PROVISION (AMONG OTHERS) MUST BE REMOVED.

Christopher Penrose—U.S. Citizen
Whittier, California
cp@leisuresonic.com

MTC–00018164

From: Bob
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

To whom it may concern:

The Proposed Final Judgement (PFJ) in United States v. Microsoft Corp., Civil Action No. 98–1232 fails to properly address Microsoft's behavior. There are so many problems with it, I feel it is a disservice both to the public and Microsoft. Philosphically (but not paradoxically), Microsoft would be better served by having their behavior modified more dramatically. They will produce better product and be a better company for it. The public gains by having better product at lower prices.

The PFJ is most emphatically NOT in the public interest. Nonetheless, here are some of the problems:

There is no monetary penalty. Microsoft has broken the law. You cannot put a legal fiction in jail, nor would it be appropriate to apply the death penalty to it (dissolve the corporation). The only penalty left is the language Microsoft understands—money.

There is no discussion of enforcement. The technical committee has reporting powers only. Given Microsoft's penchant for stalling and delay tactics, this is unacceptable.

The PFJ doesn't take into account Windows-compatible competing operating systems. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented

Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' paragraph 20 and paragraph 39).

Microsoft is not required to disclose which of its patents cover the Windows operating system. This should be changed to allow potential competitors to determine whether they are violating Microsoft patents.

Microsoft's End User License Agreements (EULAs) often times contain provisions that prohibit companies from using Microsoft's tools to develop software that competes with Microsoft. This should be addressed.

Microsoft's EULAs discriminate agains software that is free. Free as in cost, and free as in liberty. For an example, see the Microsoft Windows Media Encoder 7.1 SDK EULA.

Microsoft's EULAs prohibit the use of software written (using Microsoft tools) by third parties on anything but a Microsoft product. This is wrong. Similarly, Microsoft products that might run well on a Windows emulator are not permitted to do so, according to Microsoft's EULAs.

ISVs writing competing operating systems as outlined in Findings of Fact (52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information.

Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Why does section III.B only cover the ''top 20'' OEMs? This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Small businesses drive the American economy, yet Microsoft is free to penalize them to their heart's desire.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

Section III.J.1.a offers Microsoft a blanket exception to disclosing anything, under the guise of security. Security through obscurity is rarely effective. In this case it allows them to argue for continued behavior of the kind that has already been declared illegal. Unless I've parsed all the competing word negation in section III.J.2 wrong, section III.J.2 allows Microsoft to condition release of information on spurious terms. E.g. (b) ''reasonable business need''. This allows Microsoft to cut out someone doing pro bono work. (c) allows Microsoft to set the standards, except they've already proven their criteria for licensing is illegal. All of section 2 needs rewritten or better, thrown out.

Section IV.B.9 is unreasonable. This action is a public procedure, Microsoft was convicted through the use of public money, and the long term results should be available to the public. There is no justification to keep the results secret. The United States Government of the people, by the people, for the people brought this action.

Definition J is wrong. All code should be covered, not just ''major version[s]''. Major versions are a fiction made up by marketing departments.

Definition K covers product that existed when the action started, but fails to address new software released before the final judgement is entered. Again, all Microsoft products should be covered. Nothing is stopping Microsoft from taking a product that already exists, gutting it and rewriting it with code that again demonstrates illegal behavior, but is not covered by the PFJ. As another example, the PFJ covers Outlook Express, but not Outlook. Why is Microsoft Office excluded?

Definition U unnecessarily restricts ''Windows Operating System Product'' to a few pieces of software. Cover all Microsoft code, not just software that runs on machines the size of a large block of wood. My personal ''organizer'' is a personal computer. It is much more powerful than desktop machines from ten years before it. It has an operating system, RAM, ROM, static storage, communications, a keyboard, a screen; in short, every element that defines a personal computer. Microsoft is powerful. Using that power to jump from Intel-compatible systems to something else would be one way out of the PFJ.

Please throw out this judgment and direct the plaintiffs to come up with something stronger. Microsoft (the defendant) should have little say in the matter. They are guilty, adjudged so in a proper court of law.

Bob Schulze

MTC–00018165

From: Jesse Boyes
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hi,

I believe that the proposed Microsoft settlement does not do enough to discourage its monopolistic activities. Also, I feel that the Microsoft API should become a standard in the public domain, much moreso than proposed.

Yours,

J. Boyes

MTC–00018166

From: Mark Earnest
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

Hash: SHA1

I do not approve of the US/Microsoft settlement. As a professional in the technology industry I have witnessed first hand the damaging effect that Microsoft's monopoly has had. Please reconsider this settlement.

Mark Earnest
Senior Systems Programmer
OAS-Infrastructure
Penn State University
Email: mxe20@psu.edu
Office Phone: 814–863–2064
Public Key—http://mearnest.oas.psu.edu/gpgkey.txt

MTC–00018167

From: C. Vance Shannon
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Good Afternoon,

Please forgive the retransmission of the enclosed note. I was obliged to exit the internet and therefore did not ''proof'' my letter. Herewith is a corrected version.

Vance

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Greetings,

I am absolutely appalled at the continuing attack against Microsoft. It's disturbing that competitors airing false charges against Microsoft receive favorable treatment from the press and from many members of the United States Congress. It's even more disturbing that several states are continuing with their phony lawsuits against Microsoft.

Microsoft has revolutionized the computer business. They have made it possible for the average citizen of this country, as well as multitudes around the world, to readily gain access to computers and the world-wide network that computers offer. I recall the days of ''DOS'' and it's complexities, along with the difficulties of simply wandering around the computer world. Without Microsoft's contributions, the average citizen would never have become so computer literate; nor would we all enjoy the benefits of lower computer hardware and software prices.

It's time to call a halt to the attack on one of America's most successful businesses. There are many more issues of concern for the Department of Justice; likewise state prosecutors. The on-going attack on Microsoft from private and governmental representatives is not only hurting Microsoft, but also hampering our country's economic recovery!

Hopefully, the U.S. Department of Justice will bring an end to the frivolous Microsoft lawsuits; issue firm punishment for any wrong-doings actually committed by Microsoft, and let the company resume their efforts of bringing wondrous products to the American people and others around the globe.

Sincerely,

C. Vance Shannon,
1290 San Pablo Ct
Minden, Nevada
775–267–9394

MTC–00018168

From: Ashley Jones
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hello,

I think the proposed settlement is a bad idea. DOJ should reconsider it's decision.

adj
Ashley Jones
Verge Works
ashley@vergeworks.com
http://vergeworks.com
510.593.6890

MTC–00018169

From: Afam Agbodike
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

I do not believe that the settlement proposed in the Microsoft antitrust case sufficiently addresses the crimes that have been committed against the American poeple. I feel that the settlement does nothing to punish Microsoft for what they have already done, and is not strong enough to stop them from doing it in the future. Microsoft has already shown that they will honor only the letter of the law, not the spirit, and therefore the settlement should be much stronger to ensure they have no loopholes to work around. Ideally I believe Microsoft should be heavily fined and broken into several parts, which are then government regulated for the next 3–5 years.

Thank you for reading my letter.

Sincerely,
Afam Agbodike
2520 College Ave. #206
Berkeley, CA 94704

MTC–00018170

From: george—lunsford@haileymcnamara.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

I think that Microsoft needs a more strict judgement than the proposed settlement. They were repremanded in much the same way in the mid-90's, and this just amounts to another slap on the hand for their illegal business practices. If the proposed settlement goes through, they will be back to their old ways in a matter of years. Thank you for your time.

George Lunsford

MTC–00018171

From: Aaron S. Brewster
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

This settlement is bad news. Microsoft will not change it's practices until others are allowed to truly compete with them. Force them to open the APIs and allow organizations like WINE and Lindows to continue developing operating systems that run windows code. Compitition is what will break the Microsoft monopoly, not donations of windows based computers or fines or even breaking Microsoft up into smaller companies.

Concerned,
Aaron S. Brewster
OSU Undergrad in Computer Science and Biology
aaronbrewster@hotmail.com
http://www.engr.orst.edu/brewster

MTC–00018172

From: Erik Vered
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea, and ultimately will have little or no effect.

My name is Erik Vered and I live in Indianapolis Indiana where I have worked as a software engineer/software systems anylyst for over 15 years. Most of that time was spent working with Microsoft tools and systems.

I can tell you with confidence that the proposed settlement will do more to protect Microsoft than it will to curb anti-competitive practices.

I hope the court will be wise and NOT enact this settlement. thank you for your time,

Erik Vered

MTC–00018173

From: Torsten Pihl
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

I oppose the proposed final judgment. It is lame. Please require much more from Microsoft. For one thing, please require anti-monopoly restrictions on ALL Microsoft products. Not just ''Windows Operating System'' because they can simply repackage products under different names (i.e. ''Windows CE'' has been renamed to ''PocketPC''). Remember that Microsoft has a history of not operating in good faith.

Sincerely,
Torsten Pihl
I.S. Coordinator & Webmaster
OSU Bookstore, Inc.
http://www.osubookstore.com

MTC–00018174

From: johnathanjames@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hello..

I am writing to voice my vote AGAINST the proposed Microsoft Settlement. I do not think it goes far enough in keeping Microsoft from abusing the power that they obtained through their Windows monopoly. It is a monopoly simply because all they have to do is include a piece of software in Windows, and nobody can do anything to compete with that. Who is going to seek out other software that you would have to pay for if Windows gives it to you free. And for each person that they get in their camp that way, thats another person that the entire industry can no longer compete for.

It doesn't even have to be that they include something in Windows. With their Passport service, they could control the identifying information like account numbers, names and password, for every user of Windows. Then charge other websites to access that data. The ones that decide to pay, stay in business. The ones that don't pay, don't stay in business because Microsoft's customers move to other areas.

Their new licensing plan for Windows XP gives significant discounts to users if they agree not to use any other products by competing companies. This is the same thing they did with IBM and other PC manufacturers. They told them if they didn't install competing products on their PCs with Windows, that Microsoft would charge them less for each copy of Windows. But if they did put competing products on the PCs, Microsoft would charge them significantly more, thus making that companies PC non-competetive with other companies.

Their control of Windows gives them too much power and too much control over the marketplace. Restrictions must be put in to place that control this power that they have so that other companies can flourish in their own right, and have an equal playing field, not a field dictated by Microsoft.

The settlement does not go far enough! The public needs more.

Thank you,
Johnathan James

MTC–00018175

From: eileen hamilton
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement?
microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form.

Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They continually display an arrogance that shows they have no regard for the law. Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Thank you,
Eileen Hamilton, J.D.
Planned Giving Counsel
UC Davis Health System
4900 Broadway, Suite 1150
Sacramento, CA 95820
916.734.9418

MTC–00018176

From: Don Fairchild

To: Microsoft ATR
Date: 1/23/02 3:16pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Donald R. Fairchild
Fairchild Software Inc.
11801 Riverpark Way
Chesterfield, VA 23838

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement.

Just two comments regarding this settlement.

1. Irreparable damage has been done to the industry as a whole due to Microsoft's actions. The last decade being the greatest potential growth years of an American Industry, is now lost forever. Numerous unnamed commercial entities shall never ever prosper in light of Microsofts past behavior, as well as the proposed future behavior.

2. If Microsoft is allowed to remedy this case as proposed, then we American citizens can only assume that once again ''money can buy anything''.

MTC–00018177

From: Matthew Dharm
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

As a computer professional and a Microsoft shareholder, I strongly object to the proposed settlement between the US DoJ and Microsoft Corporation.

I believe that the methods and tactics used by Microsoft have not only been illegal and anti-competitive, I believe that they have hurt the entire computer industry and anyone who works in it. I personally estimate that innovation in the computer field has been set back at least five (5) years by their actions, as well as robbing customers of billions of dollars over a several year period.

Matthew Dharm

Matthew D. Dharm Senior Software Designer

Momentum Computer Inc. 1815 Aston Ave. Suite 107

(760) 431–8663 X-115 Carlsbad, CA 92008–7310

MTC–00018178

From: JMassengill
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I believe that the Microsoft settlement lets microsoft off easy.

There whole company history isn't about inovation but about how to buy or push others out of business.

PLEASE CONSIDER A HARSHER PUNISHMENT!

Johnny L. Massengill

MTC–00018179

From: Jonathan Broadwell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft.

Jonathan A. Broadwell
Jon Broadwell
Logikos Senior Software Engineer
4550 Jonathan Moore Pike
Columbus, IN 47201
Phone: (812) 342–3894 Fax:(812) 342–3895

MTC–00018180

From: Shimone
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Excuse my words being lifted from my coworker. Consider this a ''ditto''.

Thank you,
Shimone Samuel
17 Salada Ave.
Pacifica, CA 94044

MTC–00018181

From: Christian
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. Unfortunately I do not have time to elaborate, but I feel the settlement is too easy on Microsoft.

Christian Brink
CTO
ONSITE! Technology
www.onsitetech.com
503.233.1418
cb@onsitetech.com

MTC–00018182

From: David Carter-Tod
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

The settlement is a bad idea.

Opening Microsoft's APIs and document formats is critical to fair competition.

David Carter-Tod
David Carter-Tod
<wccartd@wc.cc.va.us>
Instructional Technologist/Distance Education Contact
Wytheville Community College, 1000 E. Main St.,
Wytheville, VA 24382
(wk) 276–223–4784
http://www.wcc.vccs.edu/
Online certificate in web site design: http://www.wcc.vccs.edu/websiteDesign

MTC–00018183

From: E
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are.

They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.'' Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.
Regards,
N. Ienatsch

MTC–00018184

From: Brad Bleier
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

In light of the coming expiration of the comment period, I feel compelled to write. Microsoft has proven to be one of the greatest impediments to innovation in recent memory. Mr. Gates has demonstrated that he, and his company are flout laws of the first order, having largely disregarded the first consent decree, and continuing their anti-competitive behavior even during the course of litigation. Were a criminal accused to demonstrate so complete a lack of remorse, most judges would apply maximum punishment. In fact, Mr. Gates even at the time declared that the earlier consent decree would have very little effect on Microsoft, and that only a few of his employees even needed to read it. Now the Department of Justice has elected to permit a far too conciliatory settlement with a company that clearly has no intention of abiding by the law. Without substantive enforcement, the conduct of Microsoft will not change.

The Department of Justice should also consider further investigations of Microsoft. For example, Microsoft perpetrated a fraud on the market recently, selling Windows XP as a purportedly ''secure'' operating system. While they continued this fraudulent sales pitch, Microsoft knowingly, and with malice, suppressed information regarding substantial security flaws. The ostensible purpose for this failure was that public information might suppress sales.

At the very least, the Department of Justice should end Microsoft's predatory use of litigation. If Microsoft is to be let off the hook after such egregious findings of fact have been upheld on appeal, they should not be heard to take any action against other companies. Microsoft has obtained, purchased or otherwise developed software and process patents that may be used in a predatory manner against its competitors. Microsoft is not a competitive company. Whatever their current protestations, there is nothing Bill Gates and Microsoft fear more

than a truly free market. Their current crocodile tears over the government demands should not be believed, and Microsoft should be put to the proof. Please consider real remedies, not poorly and incompetently drafted settlements that would prove meaningless.

Best wishes,
Brad Bleier
Member, California Bar
110 Blue Ravine Road, Suite 201
Folsom, CA 95630
916.454.2100

MTC–00018185

From: Eric Knudstrup
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

I find the current draft of the Microsoft settlement to be grossly in the defendant's favor.

The items that concern me most are:

1. The current settlement prohibits competitors from using the proposed release of API documentation. Use of the APIs should be completely open. The current definition of API is too narrowly defined.

2. The term ''Windows'' is used too narrowly.

3. The current settlement fails to prohibit Microsoft from inserting intentional compatibilities into its software.

4. The current judgment allows Microsoft to retaliate against OEMs who install operating systems other than Microsofts

5. From Dan Kegels comments: Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

6. ALL network APIs and protocols should be released to the public with no restrictions

7. All application file formats should be released to the public with no restrictions

Thank you,
Eric Knudstrup
12810 Lantana Ave
Saratoga, Ca 95070

MTC–00018186

From: Kenneth P. Stox
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Kenneth P. Stox
Director of Technology
Imaginary Landscape, LLC.
5121 North Ravenswood
Chicago, Illinois 60640

MTC–00018187

From: Shawn.Kinzel@deluxe.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

I am contacting the DoJ to indicate my displeasure with the current proposed Microsoft Settlement. I feel it is lacking in many areas and is a bad idea.

-Shawn Kinzel

MTC–00018188

From: Ben Eastwood
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

I think that the proposed settlement with microsoft is bad idea.

Ben Eastwood
Albany CA. —

MTC–00018189

From: Lee R Boynton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

To whom it may concern,

I am a senior software engineer, and have been in the business for 20 years. I have extensive experience both using and programming for Microsoft products, as well as many alternative platforms, and am well aware of the problems that Microsoft's anticompetitive behavior has caused.

I am upset by the proposed settlement with Microsoft. I believe it doesn't address Microsoft's anti-competitive behavior in any substantial way.

The definition of terms like ''Middleware Product'', ''Microsoft Middleware Product'', ''Windows Operating System Product'', and ''API'' are defined so narrowly as to be useless for enforcement— Microsoft can easily reposition new software to fit whatever category they choose. In the case of ''Middleware Product'', the definition excludes precisely the new ''.Net'' technology while including its competitor ''Java''. The ''.Net'' technology is by far the most important middleware for Microsoft at this time. The definition of ''API'' doesn't even include all of the Win32 API itself, which is hard to understand. I do not see how a competing yet compatible operating system could be safely constructed with the current definition. The definition of terms like these are well understood to be much broader by the industry.

Other problems include omissions of things like file formats (a significant barrier to entry for alternative office applications), unreasonable restrictions on the use of released documentation, non-disclosure of patents covering the Win32 API, and lack of any timeliness requirements for released information.

Overall, I don't feel that the settlement imposes much of any real penalty for Microsoft, and in fact encourages much of the same anticompetitive behavior that I thing should be addressed. As a developer, Microsoft's grip on the industry appears to be stronger after this settlement, not weaker, and I think as such would not be a fair resolution to the illegal behavior Microsoft has demonstrated.

Sincerely,
Lee Boynton
500 Milburn Court
Lake Oswego, OR 97034

MTC–00018190

From: Bill Dueber
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Repeated findings of anticompetitive behavior have not changed Microsoft's activity; their file formats and APIs are still closed, and incursion into yet more markets in which they could leverage their monopoly continues unabated.

Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.
Bill Dueber
720 W 17th street
Bloomington, IN 47405–3332
812 331 0897
Bill Dueber * wdueber@indiana.edu *
Ph.D. student in IST at IU
Graduate Assistant, BEST

MTC–00018191

From: Mark Schoenbaum
To: Microsoft ATR
Date: 1/23/02 3:18pm
Subject: Microsoft Settlement

Please consider the attached letter with my opinion regarding the issue of the Microsoft Settlement.

Thank you for your attention to this matter,
Mark
Mark Schoenbaum
Chief Technology Officer
Spot Systems, Inc.
(415) 982–8150 x217 √
marks@spotsystems.com

January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

If I am correct, it has been generally accepted that the free enterprise system allows for the creation of competitive products or services that will replace older

similar products. This is true in all aspects of American commerce, and the IT industry stands as one excellent example of this. There is a seemingly endless variety of innovation and product upgrades available to the consumer.

But here I get a bit confused.

It appears as if Microsoft's competitors have so far been unsuccessful in their attempts to create a better line of products than Microsoft has. Many of them have tired in their efforts to do so through the front door of competition, and have instead formed an alliance with the federal government to shut Microsoft down through the dubious charge that Microsoft has violated some antitrust law. Forget that most consumers have any number of choices other than Microsoft products, and forget that most consumers actually prefer the simpler integration that Microsoft products provide with its OS.

This entire lawsuit has been odious from the beginning. This should have been dismissed long ago. However, now that there is a settlement in place, one that regulates virtually every facet of Microsoft's work, so that there is no doubt that Microsoft is playing fair. I am hoping that it will be accepted and sustained. Let's all put this mess behind us.

Sincerely,
Mark Schoenbaum
Chief Technology Officer
Spot Systems, Inc.

MTC–00018192

From: Chris Johnson
To: Microsoft ATR
Date: 1/23/02 3:19pm
Subject: Microsoft Settlement

Please do not accept any settlement or resolution that assumes Microsoft is trustworthy.

It is insulting to us all to pretend that an entity which faked evidence in open court (thanks to David Boies for spotting this) is trustworthy, and entitled to interact with its own sentencing.

Please bear their fundamental dishonesty in mind.

Chris Johnson
PO Box 1218
24 E. Main St. #7
Wilmington VT 05363

MTC–00018193

From: Anne Watson (Home)
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

This is not good for the consumer, or anyone who trys to compete against microsoft. Please don't settle so easily.

MTC–00018194

From: E
To: Microsoft ATR
Date: 1/23/02 3:19pm
Subject: Microsoft Settlement

The ''settlement'' is a joke.

Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to continue their abuses and even entrench themselves more with this wholly inadequate method of ''punishment.'' They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, conspiratorial and BLATANT contempt.

Shame on you!

Please scrap this ''settlement,'' do some good and actually punish them, to the FULLEST extent of the law.

Thank you.

Regards,
E. Eberle

MTC–00018195

From: Casey Gordon
To: Microsoft ATR
Date: 1/23/02 3:18pm
Subject: Microsoft Settlement

Hello,

I am a US citizen who is concerned about the proposed Microsoft settlement. I do not work for Microsoft nor any of its competitors. I have worked in computer support and computer related industries for over 10 years, using Windows, Mac OS, and Linux.

I believe the proposed settlement is inadequate and inappropriately designed. I don't believe it will restrict Microsoft's anti-competitive practices, nor do I believe it serves the public interest.

I have watched over 10 years time, as Microsoft has destroyed its competitors through:

1) licensing restrictions.

2) deliberate introduction of software incompatibilities to disable competing products (''Windows ain't done till Lotus won't run''—this is an old running joke among everyone I know in computer support).

3) leveraging income derived from sales of Windows and Microsoft Office to finance ''free'' software such as Internet Explorer and Windows Media Player, software that is intended to displace competitors such as Netscape and Real.

4) false claims of integration of software i.e. MS Internet Explorer and MS Windows. These programs can be installed and uninstalled as separate products and exist as discrete unintegrated applications (IE), such as IE for the Mac operating system.

Anyway, I believe the proposed Microsoft settlement has the following flaws:

The settlement fails to prohibit intentional incompatibilities historically used by Microsoft.

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The settlement supposedly makes Microsoft publish its secret APIs, but it defines ''I'' so narrowly that many important APIs are not covered. The settlement supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. This has been a common practice of Microsoft's—write new software to avoid old agreements.

The settlement fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before deadlines, and not informing ISVs until it's (practically speaking) too late.

The settlement does not require Microsoft to list which software patents protect the Windows APIs. This leaves software developers in limbo as to whether they are infringing on Microsoft software patents.

The settlement doesn't require Microsoft to release documentation about the format of Microsoft Office documents.

In conclusion, I urgently request the reconsideration and restructuring of the proposed Microsoft settlement

Thank you,
Casey Gordon
Web Administrator
College of Family & Consumer Sciences
The University of Georgia
333 Hoke Smith Annex
Athens, GA 30602–4356
ccgordon@arches.uga.edu

MTC–00018196

From: Matt Haffner
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

As a avid user, consumer, and developer of computer resources for the past twenty years, I strongly urge the Department of Justice to *reject* the current Microsoft settlement. Please seek to craft a much stronger resolution, not only appropriate to the crimes that they have already been found guilty of, but also *without* the current loopholes that allow the company to continue their monopolistic practices by redefining their primary development focus.

The current resolution specifically mentions ''Security'' as a development focus that is immune to further disclosure. And, as has been leaked to the media, Bill Gates has already had the gall to officially recommend that this be the company's focus for the next phase of their software enterprises.

During the entire resolution of the case that you have brought before the courts, Microsoft has continued to flaunt its superior market position and wealth, purchasing rights and patents to software standards in broad areas. The only thing that has changed is their rhetoric and their massive public relations effort to appease the citizenry and appeal to the taxpayer that your efforts are wasteful. Such a response is appalling and a flagrant abuse of free speech to quench protection afforded to the average citizen provided by your offices.

Thank you for your efforts on this case to date, but I do strongly urge you to reconsider the current proposal for the health of the entire computer and information technology industry.

mh —
Matt Haffner, University of Wisconsin
Dept. of Astronomy, Madison
haffner@astro.wisc.edu

MTC–00018197

From: Michael Kale
To: Microsoft ATR

Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

I am a US citizen and I live in Seattle, WA.

I oppose the current Microsoft settlement. It does not do enough to ensure competition in the computer industry, which is of utmost importance. Competition is the single most important thing which ensures that consumers win. Competition spurs innovation, lower prices, more consumer friendly products, and a whole slew of things that nine out of ten people would agree are a benefit to everyone.

If Microsoft is allowed to abuse its monopoly power to further squish its competitors, the consumer will lose big time.

I can go into much detail about —why— I think the current settlement does not do enough to ensure competition, but I want to make sure that someone on the other end of this email is actually reading this message and wants to listen to what I have to say. If so, please write back and I will be happy to oblige. Until then, the most important objection I have is that the settlement does not force Microsoft to open up it's networking protocols and API implementations. Internet standards are what allow computers from many different vendors to talk to each other and work together. Microsoft would like to ignore computing standards and only allow windows machines to talk to windows machines. This creates ''lock-in'' where it becomes very difficult to operate a heterogeneous computing environment with more than one type of computer. Thus, once you have windows machines, it becomes very difficult to have any OTHER kind of machines, and competition is hampered unnecessarily.

Thanks a lot for your time,
Michael Kale

MTC–00018198

From: Jon Kropf
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

I am a software developer and I am against the proposed settlement with Microsoft. I feel that any solution that does not open up Microsoft's file formats and middleware communication protocols is unacceptable. These closed and proprietary formats are a very large impediment to interoperating between Microsoft and non-Microsoft systems. Without opening these formats, Microsoft's monopoly on the desktop will continue to exclude competitors from having a viable chance of challenging Microsoft's products. Thank you for accepting my input.

Jon Kropf
Jon.Kropf@wipfom.com
1120 Holly St.
Denver, CO 80220

MTC–00018199

From: ee
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are. They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.''

Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.

Regards,

An concerned American citizen

MTC–00018200

From: G. Minette
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: MicroSoft settlement opposition opinion

The proposed settlement for the MicroSoft antitrust case isn't even a slap on the wrist. It is blatantly a gift from the government to MicroSoft, handing them the education market segment currently held by Apple and (in universities) other various operating systems. MicroSoft has been judged —guilty— of being a monopoly. They should be punished for their business practices, not rewarded!

Garth Minette, Senior Applications Engineer, Verisity Inc.

MTC–00018201

From: chwtoy@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are.

They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.''

Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.

Regards,

An concerned American citizen

MTC–00018202

From: Brian Wood
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

The proposed final settlement between the United States and Microsoft Corporation is a terrible blow to the information technology industry. Microsoft, a company found guilty of violating U.S. anti-trust law, has held fast and diluted whats left of justice in this country into a settlement that provides a vehicle for continuing their monopoly.

Knowledge is power, even more so in the I.T. industry. Microsoft has demonstrated time and time again, that it will withhold documentation, embrace and extend protocols and standards, to keep its competitors incompatible and in the dark (Caldera DR–DOS and the Kerberos implementation in Windows 2000 are two examples that come to mind).

Section J of the settlement specifically provides Microsoft the ability to withhold the inner-workings of its operating system and other products from anyone. Wheres the settlement part here? This allows Microsoft to go on, as they always have, documenting only what they feel like, when they feel like. This keeps other companies and groups (such as Wine, the windows emulator project for Linux) in the dark on certain portions of the Windows API, and prevents Wine from ever becoming a fully compatible emulator, and thus a viable alternative to the Windows operating system. Microsoft should be REQUIRED to document ALL portions of its operating system, from the APIs to the communications protocols. Only when competitors can produce compatible alternatives, can a competitive marketplace be re-established.

Microsoft must not be allowed to continue to withhold information from their competitors (including non-profit organizations, open source projects, etc). To allow them to continue to withhold information is no settlement at all, but a protection of their existing monopoly.

MTC–00018203

From: Keith Robinson
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

To Whom it May Concern,

Regarding the Microsoft settlement, I have read the proposed settlement and I do NOT believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

The current proposal is not nearly strong enough to protect the long-term interests of

this country's businesses and consumers. Failure to increase the penalty will merely encourage Microsoft to continue its anti-competitive practices and ensure that a non-competitive climate will exist and stifle innovation for future generations as well.

Thank you for your time.

Keith Robinson
41 Grafton St #2
Arlington, MA 02474

MTC–00018204

From: Brian Powell
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

To whom it may concern,

I have been working in the information technology field for 14 years and have become very concerned about your proposed settlement in the Microsoft anti-trust case.

It is widely believed by those in the information technology field that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement.

Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Very Sincerely,
Brian S. Powell
Senior Systems Manager,
The Ohio Supercomputer Center
1224 Kinnear Road
Columbus Oh, 43212
bpowell@osc.edu

MTC–00018205

From: Steven Evans
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

i dont like the proposed settlement. it stinks and makes me ashamed of calling myself a American citizen.

The settlement is a retoric of an undemocratic agreement that will let one company take away my freedom of choice and replace it with a government sponsored retoric that provides bad products and holds the United States economy to random.

No sir, do not let this pass. Listen to the other 9 states and use their settlement.

Do not be the fool.

Regards,
Steven

MTC–00018206

From: Carter Butts
To: Microsoft ATR
Date: 1/23/02 3:16pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. As a scientist, I spend much of my time developing data analysis software for multiple platforms, including both UNIX and Microsoft Windows Operating Systems. My work is thus directly affected by the current proceedings, and I am concerned that a judgment be reached which is in the best interests of myself and other science and technology professionals.

I am particularly concerned that the Proposed Final Judgment does not adequately address the problem of Independent Software Vendors who ship Open Source applications. The Microsoft Windows Media Encoder 7.1 SDK EULA, for instance, states in part that

''. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .''

This and other similar EULAs severely limit the potential for software makers to build Open Source software which is compatible with, or which makes legitimate use of, Microsoft tools. Since scientific software is often ''Publicly Available'' as per the above definition—in keeping with the duty of scientists (especially those with public funding) to make their work available to American government, business, and academic institutions—it follows that such behaviors on the part of Microsoft serve to impair the ability of the scientific community to meet its public responsibilities. Given the finding of fact that Microsoft holds a monopoly on Intel-compatible PC operating systems, it is especially important to guarantee that Microsoft will not be able to use its monopoly power to control Independent Software Vendors. The Proposed Final Judgment does not succeed in accomplishing this.

The United States Department of Justice was in the right to take action against Microsoft initially, and—as a taxpayer—I certainly hope they will see that justice is served. The Proposed Final Judgment, however, is insufficiently strong to prevent the abuses which resulted in the initial action, much less the potentially actionable practices already proposed by Microsoft in the coming years. A strong judgment, possibly including the breakup of Microsoft, is the only viable means of restoring the benefits of free competition to the American software industry.

Carter T. Butts
ctb@andrew.cmu.edu
Carnegie Mellon University
Pittsburgh, PA

MTC–00018207

From: Dennis E. Hamilton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

I am concerned that the proposed Microsoft Settlement does not accomplish the desired remedy. I find that it essential that any remedy require Microsoft to publish complete documentation of all interfaces between (independently usable or substitutable) software components, all communications protocols, and all file formats.

My greatest concern is about the proprietary file formats that users currently use to record their content and to interchange information with other parties. The importance of common formats in interoperability among enterprises and different computing communities, and the dependence on these formats in the preservation of electronically-originated information, has created a barrier to entry for competing products. It has also created a hazard for those who rely heavily on these formats in order to interchange information with other users. As some users are motivated to upgrade Microsoft products, other users in the community are ultimately forced to upgrade in order to continue to participate. Likewise, as support for the software that operates with older versions of the formats is withdrawn, users are not assured of a way to continue to operate with their own information and to preserve their investment in recorded information, except by converting ot later versions.

This form of the ''network effect'' in which product choices are made by users to ensure their continued ability to interwork in an extended community also creates barriers to substitution, even for the purpose of preserving usability of content that is the user's own.

I agree that the functionality, features, and overall appeal of Microsoft products is valuable and a symbol of competitive approach to the market. My concern is that the barriers to substitution erected by the reliance on proprietary formats has contributed to a monopoly position due to the nature of electronic documents and information and the necessary mediation of software for their use. Without separating the formats from specific, proprietary software for operating with them, the public interest is ill-served and there is no opportunity for competitive innovation now that such a monopoly exists.

Converting to a competitive product with a different proprietary format is not viable in most situations, since it neither advances interoperability and inter-usability of the information nor assures the continued usability of already-recorded electronic information. It is not a meaningful substitution.

Thank you,

I am

Dennis E. Hamilton

Consultant

Software System Architect

Member, Association for Computing Machinery

DMware Interoperability Exchange Technical Coordinator for the Association of Information and Image Management, Incternational.

4401 44th Avenue SW

Seattle, WA 98116–4114 USA

tel: +1–206–932–6970

mailto:dennis.hamilton@acm.org

MTC–00018208

From: Ivar Christopher
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

To whom it may concern,

In brief, I believe that the proposed settlement has far too many loopholes to effectively prevent, or even hinder, Microsoft's consumate anti-competitive behaviour. They have shown, through their years of actions, that they are very skillful at this behaviour. This settlement is, simply put, too weak a document in the face of that skill.

Thank you,

Ivar Christopher

MTC–00018209

From: mike@UDel.Edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I would like to comment on the proposed settlement of the United States vs. Microsoft antitrust lawsuit.

The first point that we must not lose sight of is that the Microsoft Corporation willingly committed a series of very serious crimes that cost the citizens of the United States a great deal of money and affected untold numbers of lives. A crime was committed; punishment must be metted out such the the behavior of the entity is modified so the offense is not repeated. The current settlement does not do so. The settlement was largely written by Microsoft and is geared towards minimizing the financial loses of Microsoft, while maximizing future profits. Hardly a punishment designed to modify behavior.

Microsoft has never admitted that it engaged in criminal behavior. Given that the proposed settlement does not make it unprofitable to engage in illegal behavior in the future, it is reasonable to assume Microsoft will continue to engage in criminal behavior in the future. The proposed settlement seems to place numerous restrictions on Microsoft's business practices, but the restrictions really just force Microsoft to act in a legal fashion. In short, where is the pain? We send a person to jail when he or she commits a crime in hopes that they person will learn to modify their behavior and not commit crimes in the future.

We do not tell the person ''do not rob banks'' and let them go. How does the proposed judgment ensure that Microsoft's behavior— its corporate culture—is going to be modified? The settlement does not even provide for monitoring the weak restrictions it seeks to implement.

The only reasonable solution to the Microsoft problem is to break the company into seperate pieces. By breaking Microsoft into pieces, the individual companies will be forced to compete with other companies. The settlement implementing the breakup will not have to delve into arcane details such as ''what is an API'' and ''what is middleware''. Market forces alone will dictate what the Microsoft companies will have to document and disclose in order to remain competive in an open market. Good punishment is simple, straight forward and directly addresses the crime. Microsoft manipulated the market, let the market decide the punishment.

Remember—everyone thought the telephone system was going to collapse when the breakup was ordered back in the 80s. And, for a few years, the benefits were few and far between. Now days, I am not sure how cheap I can make a long distance call; the price is dropping faster than I can keep up with. A breakup of Microsoft will cause pain in the technology sector in the short term. In the long term, it will bring great benefits in the same way that diversity in any system brings great benefits. Sincerely,
Michael Porter Senior Systems Programmer
University of Delaware

MTC–00018210

From: Britt Turnbull
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Dear Sir,

I suffer daily from the detremental effects of the immoral. illegal and disgusting practices that Microsoft have been using for several years . . .

The current proposed settlement is a joke, having no real effect at correcting the current situation . . .

DO SOMETHING . . .

DO IT NOW . . .

AND DO IT RIGHT . . .

regards,

Britt

MTC–00018211

From: Michael Buice
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Dear DOJ,

I would like to urge you to consider the comments of Dan Kegel and others concerning the Microsoft trial settlement. An excellent resource concerning many informed opinions is the following site:

http://www.kegel.com/remedy/

The PFJ as written only helps extend Microsoft's monopoly. It is not sufficiently broad and it does not allow for the entrance of true competitors into the software playing field. In particular, I would like to stress the importance of allowing and enforcing a ''Window's compatibility'', so that other operating systems, without fear of retaliation, could run programs using the Windows API's. This would easily allow for a variety of operating systems to viably enter the intel-compatible market (Mac OS X and Linux) as competitors to Microsoft's current unjust reign over the desktop.

Again, please consider this.

Michael Buice

Graduate Student,

Dpt. of Physics

University of Chicago

MTC–00018212

From: Richard Ibbotson
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Hello

Although I am not a U.S citizen I feel that I have to strongly object to the proposed settlement which is between the U.S. Government and the Redmond giant which is Microsoft.

Over here we find that in daily business and personal life we are pressurised by the careful brainwashing methods that MS UK and their parent company use on both our business community and on the home user community. It doesn't stop there. It is a known thing that Bill Gates is Priminister Tony Blair's friend. We are clearly told that the recent 50 deal between MS and our National Health Service ''saved the tax payer a great deal of money''. At the same time the Ministry od Defence who have an agreement with the U.S Government to use cruise missiles with the Royal Navy were allowed to use one licence for the whole of their network. Why is it that Microsoft ripping off the poorly and infirm and elderly people of this country?

It has reached the point where people are seen to be social outcasts if they do not use Microsoft software. For me; someone who believes that other people should be allowed to make their own choice, this is intolerable.

Since I am myself someone who wore the Royal Air Force uniform back in the 1980s I find it to be wholly unacceptable that a multinational monopoly that has been found to be in breach of some serious federal laws should be let off with a slapped wrist or something similar. I do hope that the U.S Government will reconsider the present intention to let Microsoft get away with all kinds of things that are normally associated with organised crime and at an international level.

Thank you

Mr Richard Ibbotson

170 Bolehill Road

Sheffield S6 5DE

United Kingdom

http://www.sheflug.co.uk/seminar.html

MTC–00018213

From: marco
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea because there is no punishment in it for the

crime they commit, something they realy feel and make sure they will not do it again and something that will give the competition a change to win some ground back that was taken from them illegal

Marco Meijer
The Netherlands

MTC–00018214

From: lisab@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Dear DOJ

The currently proposed Microsoft settlement is a bad idea. I urge you to accept the alternate settlement proposed by the plaintiff states rather than the current Proposed Final Judgement. As a system administrator, my daily job is directly impacted by the anti-competitve practices that have characterized the Microsoft corporation. I believe that the Proposed Final Judgement contains misleading and overly narrow definitions and provisions, fails to prohibit the anticompetitive license terms currently used by Microsoft, and fails to prohibit anticompetitive practices towards OEMs. Considering the harm that Microsoft's anti-competitve practices have done to the innovation of new and competing operating systems, the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Lisa Bogue
System and Network Administrator

MTC–00018215

From: David A. Chappel
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly;

I would like make a few comments regarding the proposed settlement. Today there is plenty of cynicism regarding the legal system. It is a commonly held belief that if one has enough resources, then one can ''buy'' success in court given sufficient legal resources. I will leave the correctness of this to others. I would like to address erosion of the legal system by the perceptions created by this settlement; then I would like to address the economic ramifications of the precedent set by this settlement.

For a legal system to operate successfully, there must be a ''buy-in'' to the belief in the ''fairness of the system'' in resolving disputes, or criminal cases. If individuals and companies do not commonly accept this principle then they will find other avenues to settle claims, and the rule of law will be damaged.

I fear that for many this proposed settlement will add weight to this popular belief. In short, allowing Microsoft to settle the claim that it abused its monopoly by donating software (possibly using the donation as a tax deduction) to needy schools. While I do not dispute the need of the schools, it truly a clever ruse Microsoft is playing with the *compliance* of the Department of Justice. Given Microsoft has abused its monopoly, the punishment ought not to be that it must increase its market share in the educational market. Remember that software has nearly zero marginal cost and so it will cost Microsoft very little. This sends a perverse message to other companies and individuals who may consider breaking the law or a contract. For those that have substantial resources the message is ''I won't be held accountable'' and for those without the resources it is ''I wouldn't be held accountable if I was wealthy—so the law is unfair.'' To those on the front lines charged with enforcing laws the message is ''Do not waste our resources by enforcing rules against those with substantial resources of their own.'' Correct or not, these messages damage the legal system by eroding the notion of ''one law for all'' that makes individuals participate in the shared belief in law, and that breaking the law is not respectable.

There are also ramifications for our economic wellbeing. If expected penalties for abusing a monopoly are deemed less than the benefits derived, it will only encourage more monopoly abuses. This will lead to fewer firms in markets and less innovation as a whole, as the large impede the innovative. Please note that there is no reason to assume that this precedent will be limited to the technology sector.

While public comments are to be limited to the settlement, I feel I must also express my disappointment with the DOJ. It appears that the DOJ has rightfully embraced a new set of priorities after September 11th, however it is not sufficient to ignore those responsibilities unrelated to terrorism.

Fighting Microsoft in court and in ''public court'' may be expensive and may not be politically expedient, but it is extremely important for efficient functioning of markets. Budgetary demands to the DOJ are small in comparison to the economic cost which would be incurred by this settlement.

Furthermore, those companies which enjoy a monopoly are typically those companies with the resources to fight a prolonged legal battle. If the DOJ is unwilling to expend the resources to fight a large company, then how can it expect to fulfill its mandate? It is as if the municipal police declare that they will uphold the law against speeding but will charge only those who drive slow cars.

It is my hope that the DOJ renews its resolve in upholding and enforcing these important laws. I hope that those within the DOJ are given sufficient resources to negotiate from a position of strength, so that those that those who break the law are sufficiently punished. This is the only way to ensure that others are deterred.

Thank you for allowing my participation.

David Chappel B.A. (Economics) B.Sc. (Computer Science)
8155 Fairmount Drive, Unit #627
Denver, CO. 80230
CC:KerryK@canada.com@inetgw

MTC–00018216

From: JT
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

I wish to express my displeasure with the currently proposed settlement between the US DOJ and Microsoft. I feel that the proposed settlement does not sufficiently address the behaviours which Microsoft has exhibited in the past to tilt the competitive landscape in its favor. By allowing Microsoft to maintain a dominant position within the software industry, the DOJ is doing a disservice to consumers as well as potential competitors to Microsoft.

Practice random kindness and senseless acts of beauty.

It's hard to seize the day when you must first grapple with the morning.

Sincerely,
Joseph L. Traub

MTC–00018217

From: Christopher S. Swingley
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Hello.

I would like to register my objection to the proposed settlement in the Microsoft case. The settlement is barely a slap on the wrist to a corporation that has been found guilty of using anti-competitive practices to dominate the software market. Not only is the proposed settlement much too weak, it will have virtually no effect on Microsoft's anti-competitive practices and as a result, competition in the operating system and application software markets will continue to decline. This is bad. Monopolies are bad. And the interests of American society demand the proposed settlement be rejected and replaced with a settlement that punishes Microsoft for it's illegal activities, and regulates the corporation in ways that will restore competition in the operating system, browser, and application software markets.

Thank you,
Chris
Christopher S. Swingley
Computer/Network Manager
IARC—Frontier Program
University of Alaska Fairbanks
phone: 907–474–2689
email: cswingle@iarc.uaf.edu
GPG and PGP keys at my web page:
www.frontier.iarc.uaf.edu/cswingle

MTC–00018218

From: Gene Olson
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

In the Microsoft Settlement, the most important provision is the disclosure of Operating System and Middleware APIs, and disclosure of proprietary Communication Protocols.

As stated in the settlement, there are no provisions to require Microsoft to completely and openly publish enough information so that competitive systems (eg OS/2, Linux, WABI, Wine) can effectively emulate these interfaces.

Microsoft is highly motivated to keep these interfaces secret, and their past actions have shown conclusively that they will misrepresent, delay, and litigate endlessly to prevent effective competition in this area.

The only practical remedy to this is to require Microsoft to publish source code for all such software and communication

interfaces. History has shown repeatedly that source code analysis is the only universally effective method for publication of such information. This is especially true in cases where the disclosing party has a proven reputation for, and a continuing business interest in, keeping the information secret.

Therefore I object that the judgement against Microsoft cannot be effective or enforceable unless Microsoft is required to provide source code to all Application, Operating System and Middleware APIs and all Communication Protocols.

Gene Olson
Technical Director
ThinSoft Corporation
home: +1 612 824 9108
mobile: +1 612 414 4590
email: gene@thinSoft.com

MTC–00018219

From: Mike S. Medintz
To: Microsoft ATR
Date: 1/23/02 3:26pm
573 Van Gordon Street, Apartment 3–221
Lakewood, Colorado 80228
January 23, 2001
Renata B. Hesse,
Trial Attorney
Suite 1200,
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001

Dear Sirs,

I am a citizen of the United States and a resident of Lakewood, Colorado. I am writing to express my concern with the proposed settlement, which your office is considering with Microsoft. In my opinion, this settlement does not go nearly far enough to either repair the damage done by Microsoft or to prevent future violations.

Microsoft's anti-competitive behavior is not simply aggressive advertising. Their behavior is potentially more damaging to the US marketplace and economy than were Archer-Daniels-Midland's effort to fix the prices of agricultural supplies in recent years. Microsoft forces computer hardware vendors to sign exclusive marketing agreements, meaning that the vendors are unable to sell competing operating systems. When I was shopping for the two computers, which I use at home, several major manufacturers, including Dell and Gateway, were unable to sell me a computer with Linux installed, and even were unable to sell me a computer with no operating system installed at all. Even though I had no intention of using Microsoft Windows, I was forced to pay the prices of two Microsoft software licenses. If Microsoft did not have a monopoly position within the meaning of the Sherman Act, then they would not be able to abuse a monopoly position and I would not be forced to pay a ''Microsoft Tax'' every time I buy computer equipment.

Now try to imagine the cost of this ''Microsoft Tax'' to a small business, a poor family, or a school—all entities which usually operate on a shoestring. And imagine the cost of their newest operating system, Windows XP. When you buy a reasonably-modern computer from a major manufacturer, it is quite easy to do so for well under $1000. And of the components of that computer, the Windows XP license the one for which you're charged a Microsoft Tax, whether you'll use it or not—is the most expensive. A licensing fee, charged only because the recipient is an abusive monopoly, is more expensive than a fast and powerful processor or a large hard drive.

Microsoft has also signed other exclusive deals with other service suppliers. These are deals which worked to customers'' detriment and which would not have been possible save for Microsoft's monopoly position, and which serve no purpose but to stifle competition. A prime example is the Microsoft Network's deal with Qwest. Under this deal, all Qwest DSL customers are forced to either use the Microsoft Network as their internet service provider, or to pay large ''transfer fees'' and suffer service outages. And Qwest has a monopoly on DSL in its service area, being the telephone company for most of the western United States. In other words, if a person wishes to have DSL high-speed internet access, he must either pay Microsoft a monthly subscription fee or pay a rather large fee to Qwest, a fee sufficiently large to deter most customers from using other providers. Furthermore, Microsoft has announced, last autumn, that all Microsoft Network users MUST use Microsoft's internet software to connect to the internet. They must use Outlook and Internet Explorer. I count four web browsers (IE, Netscape, Mozilla, and Opera) and four popular email programs (Outlook, Eudora, Lotus, and Pegasus) available for Microsoft Windows 85,98, NT, and 2000, but only the ones from Microsoft are acceptable.

The internet currently uses certain standards for email, the Standard Mail Transfer Protocol and the Post Office Protocol. The interoperability on which the internet is based requires that these two universal standards be followed. All of the mail software which I have named above is fully standards-compliant. Similarly, World Wide Web standards are defined in the Hyper-Text Transfer Protocol. All of the web browsers named above are compliant with that protocol.

In other words, Microsoft had no reason to require the use of Outlook and Internet Explorer. No reason, except to lock their competitors out. I did not elect any members of Microsoft's board, or any of their officers. I was never offered an opportunity to vote. Microsoft is not an agency of the Federal government or of the State of Colorado. Why, then, is this company allowed to use their monopoly power to tax me? Why are they allowed to use their monopoly position in software to leverage a monopoly in DSL internet access and to lock competitors out of the market?

That Microsoft is an abusive monopoly has been proven. I limit myself to the examples above, rather than explaining about undocumented programming interfaces and the ''Embrace, Extend, and Extinguish'' methodology, only because of concern for your time.

The only way to end their abuse and allow competition to exist is to break the company up, and to force open their code and API's. As long as Microsoft is allowed to exist, they will continue to acquire power and to abuse it.

Sincerely,
Mike S. Medintz

MTC–00018220

From: Scott Francis
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

I am very disturbed by the proposed anti-trust settlement in the Microsoft v DOJ case. In spite of Attorney General Ashcroft's words to the contrary, this settlement is neither ''strong'' nor ''historic'', and amounts to little more than a slap on the wrist to Microsoft. More importantly, it does nothing to reduce the barrier to entry that Microsoft has erected in the operating system and applications market.

The proposed ruling will do nothing to make it easier for a competitor to Microsoft to release a product designed to run on Windows and compete with Microsoft's own applications. We have seen how this scenario played out in the past—Microsoft either crushed its competitors (Corel's WordPerfect suite, for instance), absorbed them (WebTV, purchase of SGI's image patents, etc.) or changed existing standards just enough to exclude competitors (Kerberos comes to mind).

Any ruling that does not —force— Microsoft to allow competitors in the application field fair and unrestricted access to the Windows source code (and more importantly, user base) without Microsoft attempting their famous ''embrace and extend'' tactic (see previous paragraph), will ultimately have no effect on the reality of the Microsoft monopoly. Microsoft will continue to hold the home computing market, and the majority of the business computing market, in a stranglehold, locking people into inferior products, preventing them from exercising free choice among a variety of options, and generally preventing innovation and growth in the computing industry.

I do not wish to see the Internet go the way of the desktop computing landscape. If Microsoft is allowed to proceed unchecked, with ''business as usual'', they will eventually consume the Internet as well (Hailstorm/.NET comes to mind). Thanks for your consideration.

Scott Francis darkuncle@ [home:] d a r k u n c l e . n e t
Systems/Network Manager
sfrancis@ [work:] t o n o s . c o m

MTC–00018221

From: Morgan Doocy
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

23 January 2002

To Whom It May Concern,

Being a computer professional, I strongly disagree with the settlement terms outlined by the Proposed Final Judgment.

I feel the language of the PFJ is insufficiently succinct, leaving a number of significant and critical loopholes that may be used to easily evade compliance with the PFJ. Furthermore, I feel that many essential provisions are absent from the PFJ, allowing

a number of significant anticompetitive and exclusionary practices to continue.

Many of these missing provisions may seem overly-specific, frivolous, or even damaging to Microsoft's right to protect its self-interest. But on the contrary I believe, as do many others, that through its anticompetitive practices Microsoft has in fact coerced OEMs, IAPs, and ISVs into giving up THEIR right to protect their self-interest by instituting punitive, frivolous, or overly-specific licensing agreements which prevent them from exploring those Microsoft-competitive products and services which could have in fact enhanced the quality of the licensees'' product. To remedy such an offense, and to prevent its reoccurrence, a thorough and well-worded set of restrictions and requirements is called for, if not to promote competitive experimentation, at least to ensure that no way exists for such anticompetitive practices to ever again be used.

Mr. Dan Kegel has compiled an excellent collection of resources on the PFJ, amongst which is his own essay, ''On the Proposed Final Judgment in United States v. Microsoft.'' I would like to refer the reader to these resources for opinions on the missing provisions I mentioned earlier, in the hopes that those more informed than I may better explain the importance of those provisions.

Mr. Kegel's resources page may be found at: <http://www.kegel.com/remedy/>. His essay, ''On the Proposed Final Judgment in United States v. Microsoft'', may be found at: <http://www.kegel.com/remedy/remedy2.html>.

Thank you for your time.

Regards,

Morgan Doocy

mdoocy@mac.com

MTC–00018222

From: Patrick
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

Dear Sir or Madam

I have watched with great interest and nervousness the proceedings of the case dealing with Microsoft Corp and the Antitrust charges against that company. Sadly, the decisions being made have once again shown why the people should distrust the government and those in charge making decisions that affect us all as computer users and taxpayers. It also tends to indicate how uninformed those people are in technology matters.

As one law enforcement officer commented to me, ''Why do you think they call it the ''Criminal Justice System''?'' It is now painfully obvious why it is referred to as that considering the judgements rendered on the Microsoft case. There have been too many mistakes made, evidence very critical to the guilt of Microsoft left out and letting Microsoft even deciding their own punishment in this case! I think heavy punishment should be rendered both financially & criminally to Microsoft and quickly. Why should a case of such obvious guilt be allowed to continue any further and why has there not been a speedy resolution? I also do not think Microsoft should be allowed to regain any financial restitution thru taxes or other illegal means for the fines levied, if any ever are!

I hope the US government will soon wake up to their failure to institute correct punishment to Microsoft. The US citizens grow tired of the government failing to protect their rights and allowing big business and criminals to make the decisions for everyone.

Thank you for your time.

Patrick L. Smith, owner

Magic Page Products

Computer Sales & Services

MTC–00018223

From: David J Harr
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

I feel that the proposed Microsoft settlement is not in the best interests of the consumer, and I oppose it. Although there are many problems with the settlement, the one that I am most concerned about is with sections III.F and III.G. Although these sections purport to prohibit exclusionary licensing practices by Microsoft, it fails to cover a class of ISVs that I am particularly concerned about, namely, ISVs that ship open source applications. One example of this is contained in the End User License Agreement for the Windows Media Encoder 7.1 Software Development Kit. That EULA reads, in part . . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL);. . .

If an ISV chooses to publish their application under an open source license are specifically prohibited by this EULA from distributing the associated APIs of the Windows Media Encoder with their application. This places the onus of getting the API, installing it, and verifying it on the end user, in effect leaving the Applications Barrier to Entry in place for ISVs using this licensing model. Therefore, I feel that until the Final Judgement addresses this issue, it should not be enacted as written.

David

David J Harr

Technology Scapegoat

THQ, Inc.

mailto:djharr@thq.com

MTC–00018224

From: Jeremiah Bachmann
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

The settlement being proposed is not enough. Microsoft needs to be punished for it's practices, and donating software to schools is not a punishment since it costs Microsoft very little to replicate its software.

Jeremiah Bachmann

MTC–00018225

From: Andrew Williams
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

Dear sir/madam,

I amopposed to the leniency of the settlement agreement with Microsoft. My reasons for this are as follows:

(1) The only penalty that is apparent is one that Microsoft has ''agreed'' to or would agree to. This is hardly appropriate for a company with a history of breaking such agreements.

(2) There is no apparent requirement for ''probation''. That is, a process whereby Microsoft can demonstrate its rehabilitation quantifiably to the US DOJ, and to its ''citizens''.

(3) Microsoft has made no realistic offers of damages to aggrieved parties, and shows no inclination to be realistic in damages. The only offer made was one that was of commerical benefit to Microsoft, which was (luckily) rejected. To my mind there are only two valid remedies:

(1) That which Judge Jackson required—The breaking apart of Microsoft into separate entities, one for operating systems, and another as an applications provider.

This would also take into account the effect of Microsoft's .net strategy, which is not open but restrictive, where Microsoft controls not only the .net standard, but access to it.

(2) That Microsoft is forced to publish ALL the API's with documentation for its operating systems without any ''preferred customer'' options in the same time space that they provide them for their own Microsoft developers.

This means that applications developers would not have the lag, or technical barriers that are currently imposed upon them.

These two remedies I would favour do not include redress for the financial and other damage caused to those affected by Microsoft's illegal behaviour. However, I would think that those aggrieved in this would have access to financial redress directly. Mind you, it might be appropriate that the US DoJ mandates to Microsoft that they provide redress to the named parties (such as Sun, Netscape etc).

I thank you for your consideration of this submission.

Regards

Andrew Williams

MTC–00018226

From: Roger Atkinson
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I might be just one person who has a comment on this settlement but I am also a person who works Full Time in a Sr. IT

position. I work every day to research and justify the direction and expenditures that my company decides to allocate in it's IT endeavors. I feel compelled to comment on this very important issue not only as an IT professional but also a personal user of computing systems.

I have been using Microsoft products as well alternatives for well over the past 10 years. During this time it has been increasingly impossible to find alternatives to MicroSoft's products and when an alternative does exist, it usually is not around for much longer having been pushed out of the market place by Microsoft's predatory practices. Once the alternative is squashed, the product from Microsoft quickly becomes over priced according to current market practices.

I feel very strongly that Microsoft should be punished to the full extent of the allowable law for it's violations and any remedy should include the complete remittance or discount to those who have been hurt the most by Microsoft. Not only should the individual customers be given rebates or immediate relief from the high prices that Microsoft has imposed (as a result of their illegal Monopoly) but businesses as well should have recourse to recoup the damage that has been done to them.

I can say with complete honesty that my company has entered into a Corporate Licensing Agreement with Microsoft, not because they wanted too, but, because there either wasn't an alternative Enterprise solution available or the solutions available were not solvent due to being pushed out of the IT market place. Shame on them! Shame on the courts for not righting this wrong in a manner that allows the both the customers of Microsoft and the Companies harmed by Microsoft to get some relief.

Sincerely,
Roger K. Atkinson
Sr. Operating Systems Analyst
roger.atkinson@cubic.com

MTC–00018227

From: Josh Stanley
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

To Whom it May Concern

In my opinion, the proposed settlement between the US Justice Department and Microsoft, Inc. is a woefully insuficient remedy. Microsoft has engaged in a decade of anti-competetive behavior, and found guilty as such. In addition to severe restrictions on future marketing and licensing activities, Microsoft must be forced to cease the practice of ''bundling'' of unrelated software applications, and furthermore, Microsoft should be required to pay TREBLE DAMAGES to every corporation that it has unfairly harmed through its illegal practices.

Thank you
Joshua Stanley
Technical Trainer
AvantGo
Office: (510) 259–4046
Mobile: (415) 378–0183
E-Mail: jstanley@avantgo.com

MTC–00018228

From: Peter Hollingsworth
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

I have read through the proposed Microsoft settlement and find it completely inadequate. It does not prevent Microsoft from hijacking new technologies by bundling them into its operating system in the future, and it does very little to compensate for Microsoft's abuse of its OS monopoly in the past.

This proposed settlement will hurt innovation and cost consumers money. I hope that you will take this into account when making a final decision.

Best regards,
Peter Hollingsworth
5306 Shafter Avenue
Oakland, CA 94618

MTC–00018229

From: Bob Harris
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlment

E-mailed earlier on this. The settlment is more than fair. Today I read AOL will sue MS for $12B re Netscape matter. One, Explorer outdistanced Netscape on quality and performance. Two, to encourage AOL is outrageous considering its virtual monopoly and use of its site to garner more and more.

E.Harris robhar2@home.com

MTC–00018230

From: Mason, Todd
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

OLE—LINK2OLE—LINK1Greetings,

I am writing to express my opinion on the proposed settlement to the Microsoft Antitrust case.

I feel the proposed settlement is nowhere near as harsh as it should be. For years Microsoft has been cramming their software down the throats of large corporations, small businesses, and the individual consumer while using its financial muscle to knock out any competitor that represents even the smallest bit of threat. Right now it is impossible to purchase an IBM compatible desktop PC or laptop PC that does not have a version of windows pre-installed on it. Microsoft tells PC manufacturers that if they do not sell *ALL* of their PCs with windows on them, they cannot sell *ANY* of their PCs with windows on them. This does not give the consumer a choice about how to use the PC they are paying for, it also increases the price of that PC dramatically because the price of the license for Windows (and usually Office) is built into the cost of the PC. About one year ago I purchased a laptop form Compaq and was forced to have it pre-installed with Microsoft Windows ME(Millennium Edition) and Microsoft Office 2000. I had no intention of running Windows on the laptop when I purchased it, but had to pay for the licenses anyway. I think that if this settlement is accepted it will do little if anything at all to stop Microsoft's illegal practices. I urge you to reject the current proposal and come up with a new settlement that will show Microsoft that citizens of this country have had enough of their schemes.

Many great ideas for changes to the proposed settlement are available at the following web site.

<http://www.kegel.com/remedy/remedy2.html> http://www.kegel.com/remedy/remedy2.html

Thank you for your time.
Todd Mason
Computer Technician
North Haven CT, 06473

MTC–00018231

From: David Hallowell
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

I've have been involved with computers for many years and have seen the anti-competitive business practices first hand. Microsoft always talk about innovation, however they have done the most in the history of computing to stop other companies innovating.

Therefore I believe the current settlement with MS is a BAD idea, Microsoft needs strict legal sanctions, the current settlement gives them little more than a slap on the wrist.

Microsoft's latest operating system (Windows XP) carries on the current Microsoft practice of using bundling to try and kill off their competition. MSN Messenger is integrated into Windows XP in such a way that there is no obvious was to remove it, the only way to remove it is to do an internet search for an undocumented file to edit—this is beyond the skill of an average user.

As a person who does not use Windows, and instead prefers to use an open source operating system (Linux), I find it difficult to operate in a world without Microsoft software. I often get documents sent to me in the proprietary Microsoft Word format, I can't listen to online radio stations because most of the broadcast in Windows Media Format, I can't communicate with Windows using friends who have signed up with MSN Messenger. The reason that most people use Windows is that it has such a stranglehold on the market, it's difficult to use anything else unless you make a big sacrifice with interoperability with Windows users.

Many people are working on products which make it easier for users of other systems to work with others, however Microsoft make this task difficult by changing file formats, and modifying protocols.

Microsoft is effectively a bully-boy, they have the money to get what they want and don't care who they crush to get there. They have caused an untold amount of damage on the industry.

Therefore, any punishment should take into account this damage and must also set out clear guidelines for how they should behave in the future. If they break any of the guidelines in the future the punishment should be a lot harsher.

Ultimately we need all the protocols and document formats opened up by Microsoft. The Microsoft Office document formats have become so commonplace that people just assume that your computer can read them and people are surprised when they get emailed back by myself informing them that

I don't have any software that can read the Microsoft Office formats easily.

In the consumer electronics world we have VHS which means that all video recorders are manufactured to the VHS standard, therefore you can goto the local video rental shop, place a tape in any VCR and it'll work correctly, you don't have to buy a particular brand VCR, as long as it's VHS it'll work.

Microsoft Office has become the ''de-facto'' standard, therefore the file formats should be opened in all past and future versions, this will allow anyone to write an office suite that can read MS Office formats. This would mean office software manufacturers would be competing on quality and features, rather than MS relying on a lock-in to their file format.

David Hallowell <dave@mozthemes.org>

MTC–00018232

From: Seth Mellon
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: Microsoft Settlement

As provided by the Tunney Act, I wish to comment on the proposed Microsoft Antitrust settlement.

I feel this settlement is insufficient in its attempt to curb Microsoft's unfair and illegal practices. Most significant, in my opinion, is the way in which it fails to limit several specific anti-competitive strategies employed by Microsoft, including (but not limited to) designing intentional incompatibilities between Microsoft and competing softwares, and retaliatory practices against OEM's which do not exclusively use Microsoft operating system software.

Please consider this a definite and emphatic objection to the current settlement.

Seth Mellon
Software Developer
California

MTC–00018233

From: Smac Deez
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

Settlement is bad!

MTC–00018234

From: Stephen Waits
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft antitrust case is an outrageous and horrible idea. Please register my complaint as appropriate.

Stephen Waits <steve@waits.net>
CEO, Waits Consulting, Inc.
San Diego, CA

MTC–00018235

From: Scott Quick
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I have read over the proposed Microsoft Settlement, and am NOT in favor of it, in its current state.

I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism.

Also, when Microsoft stops providing bug fixes for a product, they should be required to open-source that product. The customers who purchased that product have a reasonable right to expect Microsoft to provide them with fixes for problems, or to provide them with the means to fix it themselves. I feel this is true of all software products— once the copyright holder stops supporting that product, within 5 years they should lose their copyright on that product, and should be required to make the source code for that product available to anyone who purchased it.

In being found guilty of violating antitrust law, Microsoft was found guilty of harming American —consumers—. The consumers are the ones that need redress, not just businesses.

One of Microsoft's chief claims during the trial was they faced plenty of competition, and they pointed to Free and Open Source Software as an example, and yet under Section III(J)(2) and Section III(D) of the PFJ, not-for-profit organizations have no rights at all. Under provisions to release the APIs of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish. Thus, the manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost''). This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits to American consumers. It is essential that this pro-consumer movement be helped by the settlement. Every consumer who purchased Microsoft products should have access

(without cost) to the APIs needed to interact with those products. I feel the APIs should be made fully public.

Also, due to Microsoft's deals with computer sellers requiring them to make a payment to Microsoft for every computer they sell, I cannot purchase a computer from any large seller without paying for a Microsoft operating system, even if I want the computer without any operating system. This seems wrong to me, and reminds me of the kind of deals made by Standard Oil.

Finally, the main concern I have is that the PFJ seems to only limit the future behavior of Microsoft. I do not see any —punishment—. If I commit a crime—whether it is jay walking or murder, or a more abstract crime like embezzlement or libel—the court will —punish— me for that act. Where is the corresponding punishment for Microsoft? If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Scott Quick
Senior Software Engineer
Brooklyn Park, MN

MTC–00018236

From: Mason
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

NO to the Microsoft settlement. If we are ever to get out of this economic situation, we need sharks like Micosoft out of the picture. Be harsh, they deserve it.

MTC–00018237

From: Current U ser
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am a former customer of Microsoft's I have seen all too well how their software takes the power away from the user and gives it right back to Microsoft. An unfortunate poster-child for this is their new Windows XP operating system, so much that persons that purchase this software must register sensitive information with the evil corporation just to unlock the softwares full functionality.

I implore you to press on and under no uncertain terms make very sure they cannot be allowed to dominate users computer environments. I couldn't install Netscape properly in my version of Windows 98 at first, as windows deemed to not accept it as my primary browser. Worse yet, I could not use the functionality of some Java programs, .asx streaming media, and other important media features without something related to IE (Internet Explorer) or WMP (Win. Media Player) popping up to interrupt my usage of the Netscape browser.

Computer operating systems are meant to serve the user, not work against them. Their new ''Anti-Piracy'' measures do nothing to stop piracy while turning away control of the users computer to hackers and media companies.

I must emphasize my concern for the electronic media world in general if Microsoft be allowed to continue it's evil ways. They dominate the industry in a way so burdensome that companies are afraid to ship computers without Windows. . .afraid users will bulk at the unfamiliar. Competition is necessary and vital. Do all Americans a great service, cage the beast, and reopen the market.

Thank you for your consideration,
Jeff Odgis
United States Citizen
Resident of S. Florida
Computer Specialist

MTC–00018238

From: Margulies, Adam
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It does nothing meaningful to prevent future monopolistic behavior on the part of Microsoft. Please reconsider.

MTC–00018239

From: Stephen Groundwater
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Please punish Microsoft severely.

I am extremely concerned with their dominate and closed control of file formats ranging from the .DOC to the Windows Media Player.

I have seen first hand what it's like to stay competitive in the legal industry while using Word Perfect from Corel. YOU CAN'T. MS controls the file formats, therefore they control the world.

Ball's in your court.
-Steve Groundwater
Philadelphia PA

MTC–00018240

From: Bob Ellis
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Bob Ellis Inc.
2417 Ba??front Parkway
Orland?, Ho??da ?2806 7337
Tel: (407) 859 5883. Fax 859 5350. Call 247 9?72 rellisl@cfl.rr.com
January 23.2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC, 20530

Dear Mr. Ashcroft,

I am pleased to know that the federal government has reached a settlement with Microsoft. After three years of litigation, the settlement is fair to both sides and should be beneficial to consumers. The agreement is extremely comprehensive and mandates many adjustments in the way Microsoft carried out their business in the past. Microsoft has agreed not to enter into any agreements obligating any third party to distribute any portion of Windows exclusively. Also, the company has agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. Finally, the government assured compliance by negotiating for the creation of a Technical Committee to monitor Microsoft's compliance.

I believe Microsoft and Bill Gates have done tremendous good for the United States. Their products are used by millions of citizens and help make the economy stronger and more efficient. ! commend you for your efforts to settle this case and hope no further action will be taken on the federal level.

I must say that I am very happy that Bill Gates is an American and that he was not a citizen of another foreign country as if he was, we would be sending checks from the United States to that county to purchase the excellent products that Bill Gates and Microsoft has delivered to our good citizens.

Sincerely,
Robert M. Ellis, President
CC: Representative Ric Keller

MTC–00018241

From: Tom Giebel
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

(1) Middleware The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

(2) Interoperability

Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server

for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here:

http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS

(3) General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) Portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

(4) Veto Against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

(1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

(2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

(3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

(4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,
Tom Giebel
esync media, Inc.
New York, NY 10013
212–625–8176

MTC–00018242

From: Kendall S Hunter
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at

http://www.kegel.com/remedy/remedy2.html), namely:

ùThe PFJ doesn't take into account Windows-compatible competing operating systems

ù Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

ù The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

ù The PFJ supposedly makes Microsoft publish its secret APIs. but it defines ''API'' so narrowly that many important APIs are not covered.

ù The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

ù The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

ù The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

ù The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

ù The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

ù The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

ù The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

ù The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

ù The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

ù Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

ù Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

ù Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system -even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

ù The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

ù Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

ù The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

ù The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

ù The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

ù The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

ù The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Kendall Hunter, Phd.
Boulder, Colorado; Research Associate, University of Colorado

MTC–00018243

From: Downes, Scott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:29pm
Subject: Some Comments on the Microsoft Settlement (per Tunney Act)

Respectfully Addressed to the Department of Justice,

I am deeply disturbed by the proposed settlement to the ongoing antitrust action against Microsoft. I understand that the Tunney Act provides me with an opportunity to offer my own comments to the court. Commenting on the situation is important to me as I am a veteran computer programmer who's seen daily the fallout from Microsoft's rough-shod trampling of fair play and innovation in the software industry.

I am concerned that the proposed settlement does not provide adequate

deterrence to future monopolists who practice illegal anti-competitive behavior. Microsoft has shown nothing but contempt for the lawful process followed by the DoJ and the legal system in examining this matter. They have blatantly lied in the courtroom, offered rigged demos (!), and attempted to take advantage of the lack of technical expertise shown by some witnesses, most of the lawyers, and each of the judges. Outside of the courtroom, they have continued to flout the law.

What's worse is that Microsoft's strategy appears to have worked. They have stalled, lied, distracted, and manipulated the legal system as well as the American public, all in an effort to delay the resolution of their case until the beginning of a more corporate-friendly presidency. How can America have faith in a Justice Department whose direction is so clearly influenced by political interests? Is there truly no justice at Justice?

Scott Downes

MTC–00018244

From: Corey May
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

The Microsoft settlement was a very bad idea. Microsoft is getting away with it again, basically by buying their way out of their problems. They continue, and will continue to go on styling the internet and the computing world in their own image, without consideration for the computing public's needs and fair business practices.

Please do not let this 800 pound gorilla rule the day just because they have unlimited funds. Please hold them accountable.

Corey May

MTC–00018245

From: Jim Hebert
To: Microsoft ATR
Date: 1/23/02 3:30pm
Subject: Microsoft Settlement

I believe the proposed settlement in the Microsoft case is a bad idea. I am in 100% agreement with all points made at http://www.kegel.com/remedy/remedy2.html and am co-signing the same.

MTC–00018246

From: Christopher Allen
To: Microsoft ATR
Date: 1/23/02 3:30pm
Subject: Microsoft Settlement (Tunney Act Comments)
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a partner in an early seed-stage venture capital firm, specializing in investing in the very early stages of software companies. As such, I am an expert on the issues faced by small software companies as they grow and compete in this market. Under the Tunney Act, I wish to comment on the proposed Microsoft settlement based on this experience.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

a.. The PFJ doesn't take into account Windows-compatible competing operating systems

a.. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

b.. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

a.. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

b.. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

c.. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

d.. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

e.. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

f.. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

g.. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

h.. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

i.. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

c.. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

a.. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

b.. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

c.. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

d.. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

a.. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

e.. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

a.. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

b.. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

c.. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

f.. The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

I also agree with Ralph Nader's letter at http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html , who like myself finds the agreement wanting in several other areas. I find it astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent.

The PFJ should not be adopted without substantial revision to address these problems.

Sincerely,
Christopher Allen
Alacrity Ventures
<ChristopherA@AlacrityVentures.com>
1512 Walnut Street
Berkeley, CA 94709–1513
<http://www.AlacrityVentures.com>
o510/649–4030 f510/649–4034

MTC–00018247

From: Christopher Travers
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

To whome it may concern;

I am opposed to the settlement because I think that it should be agreed upon by all parties involved. Several of the states have refused to sign off on it, so I cannot support it either.

Please add me to the list of those opposed.

Best Wishes,
Chris travers

Professional Consultant

MTC–00018248

From: Senour, Alethea
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To Whom it May Concern,

Regarding the Microsoft settlement, I have read the proposed settlement and I do NOT believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them.

The market must be able to return to a state of competition.

The current proposal is not nearly strong enough to protect the long-term interests of this country's businesses and consumers. Failure to increase the penalty will merely encourage Microsoft to continue its anti-competitive practices and ensure that a non-competitive climate will exist and stifle innovation for future generations as well.

Thank you for your time.

Alethea Senour
74 Marshall St, #2
Medford, MA 02155

MTC–00018249

From: jkm@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: PFJ comments

Please note that I have also signed the petition found at http://www.kegel.com/remedy/letter.html. I do not have the time or endurance to wade through and analyze a wordy piece of legalese, so I am basing my comments on the various stories in the mainstream press.

I have been using MS products since the late 80s and Linux since approximately 1994 and ''open source'' software since 1992. I have also been a professional programmer and systems administrator for over 10 years.

Since MS was found guilty in a court of US law, and the original penalty was breaking MS into separate companies, I want to state that I am not in favor of breaking up Microsoft for a couple of reasons, primarily because it would not fix any problems. What would stop the two or three new companies from colluding and sharing practices that would be detrimental to other companies ability to compete fairly? If a company that has shown itself to blatantly ignore the previous judgement against them, and has discovered new and illegal non-competitive practices in the meanwhile, would you trust them to play fair in the future?

Microsoft's proposed settlement not only avoids the issue of guilt, but it also avoids any penalty and even goes so far as to further entrench Microsoft as the only viable OS. Being the richest company in the world, their offer to donate software and hardware (mostly software, which costs them nothing and gains them everything) is hilarious. If an individual were to be found to be guilty of 1st degree murder in a court of law, but happened to have enough money to delay the end result as long as Microsoft has, and then successfully bartered for a trivial penalty, our justice system would be considered a complete joke. Never before has one company held so much power. The various Windows operating systems and applications are used by a substantial majority of the worlds population. If another company innovates in any way that might threaten Microsoft, one of three things happens:

(1) They buy the company. Very simple and when you have as much cash as Microsoft, the money it takes is very small.

(2) Embrace and extend. This is the practice of taking a publicly available API and adding proprietary functionality that is unavailable to everyone else. For example, this was done with Kerberos, a package that provides secure network authentication.

(3) They create their own version and give it away for free. Just to name a few: Internet Explorer(a), Windows Media Player, and IIS (the web server software).

(a) Granted, Netscape did not help their case by failing to innovate or improve their product during time frame between version 3 and version 4 of their respective internet browsers, during which the usage scale shifted from Netscape to Microsoft.

Back to my point concerning the power of Microsoft. Due to how MS licenses their products and hides some if not all of their APIs, they have the ability to create software with which no one else may interact. Some examples include the NT file system (NTFS) and the Windows Media Player audio and video formats, and the windows file sharing protocol.

The first and third examples above actually have projects that are attempting to reverse engineer how they work, but that work is slow and tedious. Currently, the Samba project has been successful implementing the file sharing protocol, but the efforts to reverse engineer NTFS seem to be stalled at reading, but not writing, the NT filesystem.

Personally, I believe the best solution is a mix of opening the APIs and assuring that Microsoft does not engage in additional anti-competitive practices. The future of computing will parallel the future of our economy, and no one company should have such a majority vote in how it develops.

There may be better arguments, both in terms of eloquence and research, but the underlying theme of Microsoft's guilt and lack of pennance still remains.

Sincerely,
Kevin McFadden
McLean, Virginia

MTC–00018250

From: robert
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

To whom it may concern,

These comments are being submitted in regard to the Microsoft Anti-Trust case as a public comment allowed under the Tunney Act.

I will be brief.

The settlement as proposed offers no remedy alleviate Microsoft's aggressive and monopolistic practices. What the settlement amounts to is not so much a slap on the wrist, but a giant giveaway, allowing Microsoft to not only continue their anti-competitive and anti-free market practices, but actually gives them leverage in markets that currently don't already own lock, stock and barrel (i.e. the education market).

Robert Silvera

MTC–00018251

From: Sean Brann
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am the principal of a consulting and software development company in Boston, Massachusetts. I am writing to express my concern about the Proposed Final Judgement in the Microsoft AntiTrust suit. There are many problems with the PFJ as it now stands, and they are summed up nicely in Dan Kegel's open letter (to which I am a co-signer).

I am particularly concerned with the following four issues:

1. The PFJ fails to require Microsoft to release Middleware API documentation in a timely manner to competing Middleware vendors.

2. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

3. Restrictions the PFJ places on use of information about Microsoft's undocumented APIs

4. Although the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs Thank you for allowing me to voice my concerns with this settlement.

Sean T. Brann
Principal
Bigcity Interactive
Boston, MA 02134
sbrann@bigcityinteractive.com
617–782–3839 Ph
617–779–9512 Fx

MTC–00018252

From: John Queenan
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To whom it may concern,

I am a long time computer user and programmer. For purposes of fair disclosure, I'll say that I am primarily a Macintosh user, however, the realities of the computing profession naturally have forced me to work in other computing environments including Windows variations as well as open unix environments.

I must strongly oppose the proposed settlement against Microsoft. I find it to be entirely unacceptable.

Please consider postponing preliminary approval of the proposed settlement. The

settlement as written would be a killing blow to any non-Microsoft technology.

I echo Apple CEO Steve Jobs:

''The centerpiece of Microsoft's proposed $1 billion civil antitrust settlement is their donation of Microsoft software, which they value at $830 million, to our schools,'' said Jobs. ''We think people should know that the actual costs to Microsoft for this donated software will likely be under $1 million. We think a far better settlement is for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.''

Personally, I find even this to be unacceptable and not punitive enough. But it would suffice if no other options were available.

Rather than being shown a variety of operating systems and technologies, generations of students will experience a Microsoft-controlled computing experience. (This is already happening thanks to other anti-competitive practices with OEMs in business, home and education markets!) Students will train using Microsoft-centric programming tools and techniques and then when confronted with competing technologies and methods they will find them lacking if they do not flawlessly interact with the Microsoft systems. They also might lack features that Microsoft enjoys due to them having access to Windows APIs that outside developers don't.

Microsoft can also steal features from the competition and give it away. This effectively makes third-party developers ''outside Research and Developers'' for future Microsoft products (assuming they aren't bought outright by Microsoft). (Apple Computer was often called ''R&D South” by Microsoft employees; A quick glance at Windows Media Player shows how Microsoft wants to kill both Apple's QuickTime player and Real networks RealPlayer—it apes the look and feel and functionality of each). And since Microsoft can choose to smother a technology merely by making it incompatible, the student will for an unjustly negative opinion of the competing technology.

Furthermore, the student will then taint all judgements and assessments of software and computer purchases at home and work as well as when they start businesses. The ''taking what you learn back home'' factor is huge: siblings and parents will be urged/forced to use Microsoft products, as students rarely are taught the bigger picture of operating systems and programming concepts, but rather are sold only the Microsoft specific way of doing things.

Additionally Microsoft corrupts open standards such as web languages and introduce features that only work on Windows systems. As a web developer I have found this to complicate my job immeasurably and it forces me to give up using the open standard and instead adopt the Windows versions. Microsoft has smothererd hundreds of innovations by either copying it outright (then giving it away for free), buying it and repackaging as it's own or making it incompatible with other OSes.

This settlement is a slap on the wrist.

Sincerely,
John Queenan
20 Ashford St.
Allston MA
02134

Resources:

* Apple: Microsoft should pay $1 billion—cash http://zdnet.com.com/2100–1106–802226.html?legacy=zdnn

* Apple CEO Jobs is Right, Microsoft Settlement is Wrong http://www.osopinion.com/perl/story/15015.html

* Microsoft changed Internet Explorer on Windows to break the Quicktime Plugin. http://news.com.com/2100–1023–271653.html?legacy=cnet

* Microsoft working with the CD industry to make Windows Media Player the default format. http://news.com.com/2009–1023–273619.html?legacy=cnet&tag=tp—pr

* Microsoft blocked competing browsers from MSN. http://news.com.com/2100–1023–274980.html?legacy=cnet&tag=tp—pr

* Microsoft tracking your viewing habits. http://www.wired.com/news/privacy/0,1848,49028,00.html

* Microsoft rigs online polls to create spurious endorsements of their technologies over competing ones: http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html

* Microsoft lobbying campaign backfires; even dead people write in support of firm http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html

MTC–00018253

From: Nick Bauman
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

I'm a software developer with 6 years of experience in the field. I have found, in my experience, that the most successful and valueable systems developed in my lifetime are ones that promote implementation choice and integration choice. In short, without choice, there can be no innovation.

Microsoft's overall approach toward software development is the antithesis of this, promoting exclusionary and lock-in tactics. If the Department does not change it's current tack with Microsoft regading the anti trust case, it will be sending a message that strangling innovation for the enrichment of the few is a good thing.

In particular, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel- compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The Proposed Final Judgment as currently written does nothing to prohibit certain kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

I suggest that the DoJ revisit this judgement and provide language and means to compel Microsoft to maintain non-restrictive licensing. Also, the Proposed Final Judgment doesn't take into account Windows-compatible competing operating systems either. The Proposed Final Judgment should take steps of forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

Nick Bauman
Distributed Systems Programmer
Minneapolis

MTC–00018254

From: Matthew James Frey
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

The proposed settlement to the Microsoft antitrust lawsuit case is a bad idea. I do not approve of it.

Thank you
Matt Frey

MTC–00018255

From: Francine Taylor
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

I'd like to register my protest at the proposed settlement. Microsoft is getting off lightly, and I cannot see that the proposed settlement is going to seriously hamper its drive to monopolize the computer industry. As far as I can tell, all the things that ought to have been done to break Microsoft up and end its monopoly, haven't been done. Microsoft has proved that it can thumb its nose at our anti-monopoly laws, indeed, at our whole legal system, and come out unscathed. There ought to be some things that money just can't buy.

Respectfully,
Francine Taylor
Francine Taylor
Northwest Analytical, Inc.
519 S.W. Park Ave.
Portland, Oregon USA 97205–3207
Phone: (503) 224–7727 / Fax: (503) 248–1735
Web site: http://www.nwasoft.com

MTC–00018256

From: Roger Dickerson
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am against the settlement between the Department of Justice and Microsoft as it is currently designed. Microsoft has in the past used its operating systems monopoly to either enter new markets or run its competitors out of other markets. The best known example, and one that was established by the court, was Netscape in the browser wars. Since Microsoft Internet Explorer was bundled with Windows, Netscape Navigator could not compete even though it was freely downloadable. Most consumers will not go to the trouble to consider other options when a software package is included in the price they paid for their operating system.

Here are some more examples:

Microsoft included WordPad beginning with Windows95. This simple word processor only uses the file formats used by Microsoft Word. Now Lotus has left the office productivity business and Wordperfect is a shadow of its former self; both of the competing suites were much less expensive than Microsoft's.

Microsoft added networking and server capabilities to its operating systems, beginning marginally with Windows for Workgroups 3.11 and in earnest with Windows NT 3.1. Now Novell is a shadow of its former self even though its products were consistently faster and more stable than Microsoft's.

Now, after being found guilty of abusing its monopoly, Microsoft has released WindowsXP. This new product includes software for authoring CDs (competition: Roxio, Nero), updates to the Windows Media Player (competition: RealAudio, RealVideo, Apple Quicktime, WinAmp, etc). What will this bundling do to

Microsoft's competitors? Furthermore WindowsXP will tell the user to join Microsoft's new Passport service —multiple times— during and after installation. This will give Microsoft the user base needed to leverage web commerce sites to pay Microsoft to let them use Passport.

The current settlement agreement, it seems, will not do much to alter Microsoft's behavior. Microsoft will continue to use its monopoly drive its competitors out of business or into obscurity, and it will use its monopoly to force its way into new markets like Passport which will make the entire World Wide Web into a giant revenue stream for Microsoft.

I hope you will reject the current settlement and instead produce remedies that will punish Microsoft for what it has done and prevent it from doing so in the future.

Sincerely,
Roger Dickerson
Avondale Estates, GA 30002

MTC–00018257

From: Mike Wilson
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

As a computer programmer in charge of various staff members for my company I find it distressing that Microsoft's monopolistic practices haven't been curbed. Although having a large corporation set standards has traditionally been a better alternative to smaller companies coming out with a wide array of disparate products and standards Microsoft's influence on the computing landscape has become manipulative to the point of damaging future technologies. I am a Visual Basic programmer (and a Java programmer also) and actually hold no ''religious'' fever for the downfall of Microsoft, they make good products, but they shouldn't be allowed to continued their business practice of adopt and extend for every product that threatens their profits.

Please don't let this chance to reign in Microsoft's business practices pass by.

Mike Wilson
Lead Engineer
Sony Pictures Imageworks
(310) 840–8469

MTC–00018259

From: mike shupp
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

I've some objections to the settlement as currently formed. There's a petition created by Dan Kegel which deserves your attention.

—mike shupp

MTC–00018280

From: Lilley Kris
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a programmer and IT professional, I have been following the anti-trust case against Microsoft quite closely. It is hard to believe, after all the evidence presented during the trial, that the currently proposed settlement is even being considered. I think Microsoft demonstrated very well after the last anti-trust suit against them that they will not abide by the spirit of an agreement, but only by the letter (and even that is arguable). Microsoft reduced the previous consent decree to a meaningless and inneffective piece of paper simply by changing their contracts with OEMs slightly. It had no significant effect whatsoever on their business practices. With that in mind, I believe that any settlement with Microsoft must be made air-tight. I like the idea of a committee to oversee Microsoft to ensure compliance with the eventual terms set either by a settlement, or by the court. I simply can't see any reason why Microsoft should be allowed to select any of the people that will make up the committee, though. Microsoft is utterly unrepentent and quite ruthless. It would be folly to give them any opportunity to set the committee up for failure.

As for the terms of the proposed settlement, I believe that they will not adequately address the situation in a manner that will allow competition and innovation to thrive in the industry. Specifically, there are 2 areas that concern me the most:

1) Microsoft's APIs, File Formats, and Protocols.

The complete documentation for these must be made public. Any future changes must also be made public in a timely manner. This should allow other companies to produce products that can compete with Microsoft's products by removing a major barrier to entry, namely that no company can afford to convert all of its existing documents into a new format in order to take advantage of a non-Microsoft office suite or other applications. Currently anyone using Microsoft products is effectively ''locked in'' to those products because they cannot be easily converted to another format. While some programs exist that can read and write documents in Microsoft's formats, they are not entirely compatible and often fail on complex documents due to a lack of complete documentation available from Microsoft. Network effects are a particularly difficult barrier for companies seeking to enter a market dominated by another. Anything that can be done to reduce this barrier can only help to create more opportunity in the market. Microsoft has apparently inserted a clause in the current proposed settlement that would allow them to refuse to publish a format, protocol, or API if it would be a security risk. Since virtually all of

Microsoft's formats, protocols, and APIs have some security component to them, I'm afraid they will use this clause to effectively nullify that portion of the settlement. Security features should work regardless of whether their mechanism is known or not. If this clause remains in the settlement, it should be modified to give the decision-making power to the oversight committee or to the court, and such decisions should be expedited so that Microsoft cannot introduce further delays to the application of remedies in this case.

2) Microsoft's Business Practices.

Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. To allow Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives, either by outright prohibition, or by economic disincentive, is to allow Microsoft to continue to hold the industry hostage.

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse it's monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Respectfully,
Kristopher L. Lilley
4900 USAA Blvd. #1022
San Antonio, TX 78240

MTC–00018285

From: Michael Tesch
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Unacceptable Microsoft Settlement Terms.

Dear Ms. Hesse:

The proposed settlement in the Microsoft anti-trust case is completely unacceptable. It is particularly disturbing that the settlement seems to be little more than a sales contract for Microsoft products in the schools, while exempting their anti-competitive behavior from sanction. It is little wonder that Judge Jackson was infuriated with the behavior of this company.

I urge you to work for a more substantial penalty for Microsoft, one that would be fair to everyone, both to their competitors and, more importantly, to the American public.

Thank you for your time.

Sincerely,

Michael Tesch

MTC–00018286

From: Seth L. Blumberg
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

I am writing to comment on the Proposed Final Judgment (PFJ) in the Microsoft anti-trust case. I do not believe that the PFJ is an adequate response to Microsoft's anti-competitive practices; indeed, it gives Microsoft considerable leverage against what various internal memoranda (such as the notorious ''Halloween Document'') have indicated it considers its most serious competition, to wit, Open Source software.

The definitions in Part VI of the PFJ differ in many ways from those in the Findings of Fact, to the considerable benefit of Microsoft. For instance, Definition J (''Microsoft Middleware'') as written permits Microsoft to evade designation of its products as middleware simply by changing the version numbering and/or distribution schemes, and Definition K (''Microsoft Middleware Product'') excludes numerous Microsoft products that fit the definition of middleware given by the Findings of Fact (including Microsoft.NET and C#, which Microsoft has designated as its choice to replace Java). Furthermore, Definition U excludes several families of Microsoft operating systems, such as Windows CE and Windows XP Tablet PC Edition; programs written for Windows 2000 can in many cases be made to run unchanged on these operating systems.

The worst feature of the PFJ, however, is that it permits Microsoft to stifle competition from the Open Source sector. ISVs writing operating systems that compete with Windows Operating Systems Products cannot use the information that the PFJ forces Microsoft to disclose—its use is strictly limited ''for the sole purpose of interoperating with a Windows Operating System Product.'' This excludes several extant products, such as WINE.

It is clear that the PFJ will not serve the desired purpose—to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, section V.D, p. 99). It must be extensively revised.

Seth L. Blumberg <sethb@pobox.com>
Systems Analyst, Clark Hill PLC

These comments do not represent the opinion of Clark Hill PLC.

MTC–00018287

From: Eric Buddington
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft settlement must have teeth

Please ensure that Microsoft faces a significant penalty for its illegal behavior over the last two decades. I am a software programmer, and I see no future in this field if I must compete against a company such as Microsoft, which does not seem bound by either standing law or previous consent decrees.

Please ensure any settlement is *simple* and *enforceable*. A good settlement will ensure that Microsoft is penalized for all its illegal gains in the past and prevented from doing any more of the same. Above all, it must be *obvious* that this is true, for the sake of my respect for the law and my confidence in a future of honest work.

Thank you,
Eric Buddington
Programmer and Systems Administrator
North Adams, MA

MTC–00018288

From: John D. Chodera
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the Proposed Final Judgement (PFJ) for the case of United States v. Microsoft. In short, I believe the PFJ to not be in the public's best interest—it is not nearly punitive enough in punishing the Microsoft for the anticompetitive practises it has been found by the court to have engaged in, nor is it comprehensive enough in preventing Microsoft to continue to engage in wrongdoing.

A good summary of many specific deficiencies, all of which I agree with, can be found in Dan Kegel's open letter:

http://www.kegel.com/remedy/letter.html

Thank you for your time.
John Chodera
300 Quintara St
San Francisco, CA 94116–1322
415 577–8281

MTC–00018289

From: Frank Henriquez
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

Hello,

I'm a computer programmer, living in California. I believe that the proposed Microsoft settlement is far too lenient, and I strongly OPPOSE it.

Thank you
Frank Henriquez

Frank Henriquez Programmer/Analyst
Jules Stein Eye Institute, UCLA
frank@ucla.edu http://www.bol.ucla.edu/frank/index.htm

MTC–00018290

From: B. K. gmx
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

My feeling and understanding based uppon reading and discussions with other people relating to the Microsoft settlement leads me to believe the proposed settlement will not in the end keep Microsoft from continuing to engage in monopolistic business practices.

Brian Keilig
1230 Cranberry Ave
Sunnyvale CA 94087–2003

MTC–00018291

From: Mitch Stargrove
To: Microsoft ATR
Date: 1/23/02 3:35pm
Subject: Microsoft Settlement

hello

this settlement proposal is a TERRIBLE idea. It benefits Microsoft. It sounds like something from their marketing department!

The process seems to have concluded that they deserve some punishment and should help society to make amends.

Mitch Stargrove

MTC–00018292

From: Mark Whitley
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Renata B. Hesse,
(Antitrust Division)

I would like to take advantage of the public comment period on the proposed Microsoft settlement to raise a few points.

The current proposed settlement is wholly inadequate. It merely formalizes the status quo. It does not penalize Microsoft for past transgressions in any meaningful way, nor will it prevent them from abusing their monopoly in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

I have likewise been very concerned with how this settlement was reached. It was done hastily and with little long-term thought. It is more important that we come up with a —correct— and —effective— remedy, than a quick ''resolution''. Any proposed remedies must include open, complete, and full disclosure of all of the following Microsoft technologies: APIs (Application Programming Interfaces)—especially to their operating systems; document file formats; and wire protocols. Said disclosures must apply not only to existing technologies, but any future releases as well. Failure to implement such a provision will allow them to continue to leverage their monopoly power.

Furthermore, any remedy imposed must consider the Open Source / Free Software movement that has gained momentum over the last several years. (For further reading, see http://www.opensource.org and http://www.gnu.org.) Perhaps more than any other phenomenon, Open Source Software represents a real, credible threat to Microsoft's monopoly. The current proposed settlement fails to address Open Source Software at all and in fact contains language that could seriously undermine it. The example I am thinking of is the proviso where Microsoft would have to disclosure some information to other commercial entities. This implicitly suggests that they

could happily keep that same informatino secret from the Open Source community, making it difficult (if not impossible) for them to write software that could interoperate with Microsoft's. This is not acceptable. (Not coincidentally, the government could set a good example by replacing Microsoft software with Open Source alternatives.)

Perhaps the greatest abuse that Microsoft is capable of is using the government-granted protections on its intellectual property as a way to bludgeon competitors. If Microsoft is allowed to use it's patents, copywrites, or trademarks as a means of preventing other people from publishing software that could interoperate with—or replace—Microsoft's software, then the government will end up being the largest part of the problem. With that in mind, a provision should be put in place which explicitly states that Microsoft be allowed to use it's patents for defense only.

The world is watching. Numerous other countries have announced their intent to pursue Microsoft under their own antitrust laws, including Austrailia, Japan, and the European Union. (Some have even begun already.) Many countries are waiting to see what actions the US will take, and then follow suit. We can set a good example by coming up with an effective, just, long-term solution. The current proposed set of remedies are inadequate; we cannot affford to set a bad example. Please keep in mind that Microsoft has a world-wide influence and that we must act with that in mind.

Much of the discussion regarding a settlement has been couched in the need for aiding our slumping economy. I would submit to you that the current economic slump has occured not in spite of Microsoft, but *because* of Microsoft. I have personally both seen and experienced the deleterious effect that Microsoft has had on this industry. In the state of Utah where I live, numerous people (including myself) who work in the Information Technology industry have lost there jobs precisely because Microsoft has used their monopoly influence to crush them. Examples include: Novell, DriverSoft, WordPerfect, and Caldera. This is far from a complete list. The damage done by the Microsoft monopoly is neither theoretical nor anecdotal; it is real and tangible. If we make a hasty settlement now for the sake of the economy, we will be gambling on a dubious short-term gain and ensuring continued long-term pain.

Don't soft-pedal this one. Executives at Microsoft have demonstrated that they are not repentant for their past misdeeds. Witness how they have continued to leverage their monopoly power by bundling Windows Media Player in the most recent release of their Windows XP operating system. The sole reason for this was to crus Real, the only real competition they have in streaming media. Microsoft executives are not honorable people. Witness how they falsefied evidence and perjured themselves in federal court durring the hearings. They have publicly rejected the assertion that they are a monopoly. And have insinuated that whatever remedies the government imposes, they can ''work around'' them so as to continue with Business As Usual. Whatever remedies are put in place, you must assume that Microsoft *will* violate them and be prepared to enforce the remedies by levying additional fines and punishments. Thank you for your time. I hope you will consider sincerely the points I have raised.

Mark Whitley
markw@codepoet.org

MTC–00018293

From: Sam Bayer
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

Folks—

I believe the proposed Microsoft settlement doesn't even begin to address the antitrust violations which have been repeatedly affirmed. I urge you to reject this settlement and adopt one which will support genuine competition.

Cordially,
Samuel Bayer

MTC–00018294

From: Ron Goodheart
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

The settlement is a bad idea.

As a software developer I've suffered from Microsoft's practices and its effects upon the software industry.

We cannot know what the industry would have been like without the predatory practices, however we do know that it was wrong.

Let's fix it—not settle.

MTC–00018295

From: Nate Sammons
To: Microsoft ATR
Date: 1/23/02 3:37pm
Subject: Microsoft Settlement

Hello,

I just wanted to put my two cents in on the proposed settlement for the Microsoft anittrust case, and to say that I think it's a very bad idea.

-nate

Nate Sammons nate@protomatter.com

MTC–00018296

From: Rob Orsini
To: Microsoft ATR
Date: 1/23/02 4:03pm
Subject: Microsoft Settlement

Renata Hesse,

I feel like the proposed Microsoft Settlement is truly unfair and does nothing to punish this monopolizing corporation or set a reasonable precedence for cases like this in the future.

As a single individual, I would feel helpless were I to try to stand up for my rights against Microsoft. I belive in my heart that if our county cannot stand up to Microsoft with firm punitive action then our future is truly grim.

Thank you for your effort,
Robert Orsini
Robert J. Orsini mailto:rob@nnsllc.com
NNS Software LLC Tel: 707.347.1668
921 Transport Way, Suite 26 Fax: 707.347.1666
Petaluma, California USA 94954 Mobile: 707.580.2035
http://www.nnsllc.com/ Direct: 707.347.1660

MTC–00018297

From: hook
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

the proposed settlement is bad idea
joshua corning

MTC–00018298

From: Ben Galbraith
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have reviewed the proposed settlement with Microsoft, and I find it unsatisfactory. As an IT industry professional, I am especially concerned with how the issue of Microsoft's anti-competitive practices are resolved.

I am therefore writing you this e-mail to express to you my concerns, with the hopes that you are able to take my concerns and those of others and use them to craft a more effective settlement that results in increase competition and prosperity for our economy.

My concerns are identical to those concerns outlined in this URL: http://www.kegel.com/remedy/remedy2.html

I would appreciate it if you would take these concerns into account and modify the current proposed settlement.

Thank you,
Ben Galbraith
Chief Information Officer
uSight.com

MTC–00018299

From: leon@mcall.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: MIcrosoft settlement

The settlement leaves out any remedies that address Microsoft's ability to impose a tax on every personal computer sold. When I purchased my first PC year's ago I could not find one PC distributor that would sell a machine without Microsoft's operating system preinstalled.

Even thought I had no intention of running Microsoft's software, I had to pay the tax. The situation has changed very little, in today's market place the vast majority of distributors of PC's require you to pay the Microsoft tax.

Software should be a separate purchase leaving the consumer the ability of running other operating systems if they choose. And preventing Microsoft from requiring personnel computer manufactors and distributors to license their software for every machine sold, through the use of volume discounts and other methods.

The fact that the settlement does little to force Microsoft from revealing the API's (Application Programming Interfaces) and document formats insures that the behavior the settlement is supposed to correct will continue on into the future. Microsoft only has to claim that by doing so threatens their intellectual property or that it comprises the security of their software and this information will not be available.

Some mechanism or process to insure that they do not hide behind this clause to simple disadvantage the competition.

Also the panel that will supervise this settlement is strongly influenced by Microsoft, in their ability to choose who sits on it. Isn't this to much like the fox supervising the hen house?

I am a system administrator for the Tribune Corp, administering both Windows and Unix systems. My opinions

are my own and in no way reflect those of my employer....

George Leon
System Administrator
Tribune CoOpportunity
610–508–1509
leon@mcall.com

MTC–00018300

From: Peschko, Edward
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:37pm
Subject: Re: tunney act—settlement proposal

by government ps—forgot to give the following info in the previous letter I sent w/ the above title— it was from:

Edward S. Peschko
1126E Reeves Court,
San Francisco CA, 94130
650.464.2156

thanks—and to reiterate the point of my letter, I STRONGLY oppose the DOJ's proposed ''settlement'', it should be struck down immediately and replaced with something much more severe opposing Microsoft.

MTC–00018301

From: Isaac Wedin
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

I am writing in opposition of the proposed Final Judgment resolving the antitrust case against Microsoft.

There are many problems with the settlement, but I am specifically concerned that the judgment does nothing to address the existing barriers to entry for competing office software suites. Competition will only occur in the market for PC operating systems when office suites and programs (like StarOffice, Gnumeric, and Abiword) for competing operating systems (like Linux) can reliably open and make changes to files created using the industry-standard office suite, Microsoft Office.

Microsoft should be required to publish the full details of the file formats used by all of the programs in Microsoft Office, but most importantly Microsoft Word and Excel.

Sincerely,
Isaac Wedin

MTC–00018302

From: jeff
To: Microsoft ATR,tunney@codeweavers.com@inetgw
Date: 1/23/02 3:40pm
Subject: Microsoft Settlement

I find any settlement in the Microsoft Antitrust case insulting. So I must voice my position about the current settlement and let it be known I am strongly against it. Microsoft was found Guilty of being a Monopoly and continue to operate as one to this day. Microsoft's OEM licensing that restricts PC manufacturerors from installing other OS'es alongside any Microsoft OS should be enough on it's own to land them in serious legal trouble, but somehow it doesn't. Microsoft is in the buisness of killing companies first, inovating and delivering product second. This behavor should not be allowed. I don't want to wake up one morning to be told I can't brush my teeth because my license on my Microsoft toothbrush has expired, and I can't by a non-Microsoft toothbrush because they aren't built with trusted hardware.

Jeff Buttars
jbuttars@onyx.boisestate.edu

MTC–00018303

From: Justin Deri
To: Microsoft ATR
Date: 1/23/02 3:39pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer and therefore a frequent computer user, I'm very concerned about the DOJ's Proposed Final Judgment (PFJ) with regards to the Microsoft Settlement. Although there are many other issues, I've outlined my highest priorities below:

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product . . .'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. As the 1996 Caldera v. Microsoft antitrust lawsuit demonstrates, it is a valid concern that as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

—Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ as currently written appears to lack an effective enforcement mechanism.

Sincerely,
Justin L Deri
Cambridge, MA

MTC–00018304

From: Adam N. Clayton
To: Microsoft ATR
Date: 1/23/02 3:39pm
Subject: Microsoft Settlement

The current proposed settlement does not punish Microsoft for its past and current practices. It needs to be revised and strengthened before it will cause Microsoft to change their ways.

Adam Clayton

MTC–00018305

From: Kyle R Krom
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

I am strongly opposed to the currently proposed settlement in the Microsoft case, and I will be very brief in explaining some of my reasons. (Disclaimer: My opinion is my own, and does not represent that of BASF Corporation) I make my living as an administrator of UNIX systems and a developer of UNIX applications. Working with alternative operating systems is very challenging; not out of necessity, but because of anti-competitive behaviour from Microsoft. Microsoft's monopoly forces companies (and even government agencies) to use Windows operating systems and other Microsoft software applications. Any competing operating systems and applications must therefore be compatible with Microsoft's software in order to be accepted in a corporate environment. According to the Findings of Fact, Microsoft exploits this situation by knowingly producing artificial Barriers of Entry, in order to prevent competitors from being able to produce Microsoft-compatible products. This behaviour severely inhibits the ability of developers to innovate new products. Nobody has any interest in a new software application, if it is incompatible with Microsoft's widespread software.

In an attempt to remove the Barriers of Entry for Microsoft competitors, the settlement proposes that Microsoft should be forced to publish some of its products'' API's. This is a fine idea, but it is implemented poorly. For example, the list of affected middleware specifically includes Microsoft Java (which Microsoft intends to discontinue) but not Microsoft.NET (which Microsoft is hailing as the successor). It includes Outlook Express, but not the more commonly used

Outlook. It includes free software such as Internet Explorer and Media Player, but not Microsoft Office (in fact, even the file formats for Office documents will not be published—how can a competing office suite survive if it cannot even reliably read and produce Microsoft Office compatible documents?). Also, the settlement affects current Microsoft operating systems such as Windows 2000 and Windows XP, but not their ''next-generation'' operating systems such as Windows CE or Pocket PC. On the whole, it seems that the Barriers of Entry to Microsoft's major applications will remain quite intact. There are several minor loopholes in the settlement, with major implications. For example, the last paragraph of Definition J in the settlement goes out of its way to create a loophole whereby new versions of middleware products can avoid being affected by these restrictions, simply by failing to adhere to a specific version numbering system. I have to wonder whether such portions of the agreement were written solely by Microsoft's executives and ignored by the Department of Justice! Microsoft has certainly set numerous precedents of finding loopholes in previous anti-competitive restrictions; don't provide them with new ones.

I am also concerned about how the settlement's measures will be enforced. What will happen if Microsoft violates the current agreement? Another trial that drags on for years, costs millions of dollars, and concludes with another poorly constructed settlement that contains no actual punishment?

Microsoft's behaviour is anti-competitive, anti-innovative, and anti-cooperative. It hurts software developers, and consequently it hurts consumers. If the Department of Justice refuses to punish this behaviour, it should at least prevent the behaviour from continuing. The current settlement proposal does not.

Kyle Krom, Ph. D.
UNIX Administrator
BASF Corporation

MTC–00018306

From: Bill Toole
To: Microsoft ATR
Date: 1/23/02 3:41pm
Subject: Microsoft Settlement

Wednesday, January 23, 2002 03:29:59 PM

Proposed Microsoft settlement is NOT good.

Bill Toole
432 East 10th Street 4fl
New York NY 10009
Tel/Fax: 212 533 4631
e-mail : << toole@aya.yale.edu >
www : << http://www.speakeasy.org/toole >

MTC–00018307

From: T. Charles Yun
To: Microsoft ATR
Date: 1/23/02 3:41pm
Subject: Microsoft Settlement

As the time for comment draws to a close, I wanted to mention that the news bits, rumors and ''facts'' as they have been presented to the public regarding the Microsoft case have distressed me. Overall, I believe that Microsoft has not been given a punishment that is fit for their activities. Further, the idea that Microsoft would like to offer their own software as retribution for their activities is ludicrous.

I went to school at the School of Information, University of Michigan, where we studied topics related to information science, public policy and economics. In fact, one of the graduate degrees is entitled ''Information Economics, Management and Policy.'' A great deal of academic and real world experience has shown that corporations that sell software/information respond differently to the traditional (in terms of companies that sell a physical product) rules of business. I will refrain from starting a tutorial, but wanted to note that it costs nothing for a software company to give away copies of their software.

Punishment, in general, is generally best when it falls in between what the accused and the accusors publicly state. In that light, Microsoft's idea of punishment is definitely at the low end. Further, it is important to note that Microsoft was not willing to give away cash money, access to software source code/APIs or any other item that would actually cause them pain.

With that said, I admit that I am not a lawyer. I will not assume the knowledge to dole out the appropriate punishment, but simply offer my viewpoint that Microsoft should be punished in a manner that does not let them escape their misdeeds.

Thank you for your time and efforts.

—T. Charles Yun

[The opinions contained in this email do not necessarily reflect the opinions Internet2 of my employer or any organizations associated with Internet2.]

MTC–00018308

From: Andrew Kuan
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

I do not agree with the proposed settlement in the Microsoft antitrust case. The original proposal from Judge Jackson to split Microsoft into two separate companies, one of which creates application software and the other of which creates operating system software makes much more sense. The root of the problem with Microsoft's monopoly is that they have a conflict of interest: Microsoft provides the operating system for which both they and their competitors develop applications. While the existence of monopoly conditions in the operating system market is not inherently bad, Microsoft unfortunately abuses its monopoly in order to force competitors in the application software market out of business.

This is anti-competitive, anti-innovation, and counter to the interests of American consumers.

Again, I am very much against the current terms of the proposed settlement as they do little to prevent Microsoft from abusing their monopoly power and engaging in anti-competitive practices again. The call to split Microsoft in two should be reconsidered.

Sincerely,
Andrew Kuan

MTC–00018309

From: Zach Pousman
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is a bad thing for us. It lets a company get away with destroying their competition and then pretending like ''that's the way the free market works''.

Thank you for your consideration in this matter,

Zach Pousman
Zach Pousman
Assistant Director of Technology
zpousman@learnlink.emory.edu
[ph] 404 727 5126
[fx] 404 727 9702
Center for Behavioral Neuroscience
http://www.cbn-atl.org

MTC–00018310

From: Will Berry
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To whom it may concern,

My name is Will Berry and I am a natural-born US citizen from Atlanta GA. The purpose of this e-mail is to contribute my comments on the proposed settlement between Microsoft Corporation and the US Department of Justice, pursuant to the Tunney Act. I am not pleased at all with the terms of the proposed settlement. I believe the proposed settlement is in effect a license for Microsoft to continue to break the law.

Thanks to the efforts of the DOJ, many States, and others, Microsoft has been found by the courts to be a predatory monopolist with no regard for responsible behavior in a competitive market. Microsoft has done severe, if not irreparable, damage to the operating system and browser markets.

They have strong-armed their operating system distributors, similarly to the offenses of Standard Oil with the railroad companies, coercing them not to sell competing operating systems, or forcing them to pay for MS Windows even if the computer does not ship with MS Windows. (This practice has even become known in high-tech culture as the ''Microsoft Tax''.) They have strong-armed Apple Computer and others by influencing which features and software are included in their products, to the inherent harm of the consumer. And this is a telling thing: they continue to deny that they have done anything wrong. As Microsoft has demonstrated over and over again, they will be exactly as responsible in the market as the government forces them to be, not a bit more. Microsoft must be held accountable for its actions. Let me be clear: Microsoft will not stop breaking the law until and unless they are *punished*. This proposed settlement will not punish Microsoft; it will enable them.

The ''Technical Committee'' provided for in the settlement is a farce. Why would Microsoft choose one of the three members? Why would the committee not have power to enforce the settlement or levy fines, as opposed to simply monitoring the situation? The details of this arm of the proposed settlement are riddled with flaws. If the court accepts this, then the committee will become a shield for Microsoft when (I do not say ''if'')

Microsoft continues its illegal business practices. After all, if the committee approves....

This is not punishment; it is government endorsement of Microsoft's behavior. The settlement allows Microsoft to withhold technical information from any individual or organization, as long as they say they do not certify the ''authenticity and viability of its business''. This is a gaping loophole, allowing Microsoft to continue its old practices by labeling its products and other organizations differently. Furthermore, when Microsoft continues its illegal acts, it will be harder to sue them because they will be abiding by the settlement agreement! This is not punishment. It is government approval to break the law. Why does the settlement not force divestiture of certain Microsoft ventures? Why does the settlement not fine Microsoft one red cent? Why is the Technical Committee not allowed to disclose its findings to the public? Why does the settlement not punish Microsoft? Why do you think Microsoft is so happy about the settlement?

If you ask me, the Windows and Office divisions of Microsoft should both be ordered divested, and no Microsoft employees or board members or their families should be allowed to manage or serve on the boards of the new companies or own more than 0.1% of their stock for twenty years. Failing that, Microsoft should at the very least be fined half of its gross revenue for the next ten years. That would at least be punishment. At least that would cause them to think twice about repeating their egregious abuses of our free market economy.

Think for a moment on Microsoft's ''warnings'' of what would happen should actual punishment be levied against them. They say the market will suffer if they are punished. Even if their predictions are true, which I doubt, is this not an implicit admission of their pestilence? For Microsoft IS the market, and therefore to punish Microsoft is to directly damage the market. Or at least they say so. This is all the more reason to punish them harshly, and allow the market to repair itself. After all, they did break the law.

This nation passed Anti-Trust legislation to prevent exactly this sort of phenomenon from occurring.

Standard Oil was damaging its market, and in doing so was damaging the entire nation's economy.

Microsoft is following in its footsteps; the courts have found this to be true. The Sherman Act was passed because the free market itself cannot repair this kind of damage; the government must intervene to keep the market healthy. Microsoft's behavior cannot continue!

I say to the Courts, to the States, and to the Department of Justice: Do not let Microsoft get stinking rich from their illegal, atrocious business practices. Do not let crime pay for them. This responsibility falls squarely on your shoulders; the public is depending on you to protect us from these predators.

Do your job; reject this settlement!

Will Berry

Atlanta, GA

MTC–00018311

From: James Morgan Harrison
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement with Microsoft is not a sufficient remedy for their actions. Microsoft is and continues to be an oppressive monopoly. Even after repeated ruling and decisions by this and other courts, Microsoft has continued with the same business practices. Microsoft executive have yet to concede that Microsoft is actually a monopoly or that its actions have been in any way wrong.

I personally feel that many of Microsoft's actions have been detrimental to the computer industry and potentially many other industries. There are many quality products that are not able to enter the market because of Microsoft's dominance. In addition, there have been many smaller companies either bought-out or run out of business by Microsoft's actions.

Microsoft forces its will on OEMs and others by preventing or discouraging them from making or selling products with or for non-Microsoft systems. The proposed settlement does not go far enough to either remedy Microsoft's previous actions or to ensure me that Microsoft's practices will be stopped. There are many sections and definitions that are vary narrow or ambiguous and could potentially be completely circumvented by later Microsoft products. In addition, certain intellectual property such as file formats are not required to be disclosed. I feel that Microsoft's proprietary file formats have allowed them to gain dominance any other areas, such as office applications, since competing applications are not able to easily convert documents in the Microsoft format.

I feel that these anti-trust actions are the last any only mechanism left to prevent or erode the Microsoft monopoly. Many companies have tried and failed to compete with Microsoft in a ''fair'' open market. If the Department of Justice and the US Government can not or will not require a stronger settlement, then there will be little hope for any other company to challenge Microsoft in the future.

While I understand the court and Microsoft's desire to settle and prevent further legal cost and hassle, I do not think that agreeing to this settle for the sake of settlement is acceptable. I ask that the Department of Justice reconsider this settlement in favor of a more strict and carefully worded decision.

Thank you for you time and consideration.

James Morgan Harrison, II

Starkville, Mississippi

Computer Science graduate and part-time UNIX Systems Administrator

Mississippi State University

MTC–00018312

From: Gary Hale
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I believe the settlement proposed by the Department of Justice is flawed and will do very little to improve competition in the software industry. It is full of loopholes that will allow Microsoft to continue its past behavior in maintaining its monopoly, and will actually protect it from future action.

The proposed settlement is poorly written, and insufficient means of enforcement are provided.

If you consider how few companies in the computer industry have stood up against the monopolist and maid their voices on this matter known, it becomes clear that they are all afraid to fight back. This is how a monopolist maintains their monopoly.

The proposed settlement is not in the public interest.

Gary Hale

Gary Hale Digital Services

Email: gary@ghdigital.com

Web: http://www.ghdigital.com/

Address: 94340 Horton Road Blachly OR 97412

Phone/FAX: 541–925–4130

MTC–00018313

From: Mark Greene
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing in regard to the proposed settlement of the Microsoft anti-trust case, under the authority granted by the Tunney act for public comment.

I believe that the proposed settlement is both insufficient in scope and unfair in its particulars. It neither punishes Microsoft for having engaged in monopolistic behaviors, nor does it remediate the environment in order to prevent those behaviors from continuing. For Microsoft to be allowed to, essentially, garner more public good will by ''donating'' money to an organization they help create is both hypocritical and ridiculous. It is my hope that the court will reconsider but the punitive and rehabilitative aspects of the settlement.

Thank you for your time and attention,

Mark Greene

MTC–00018314

From: Jonathan Robinson
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft settlement

I am 19 and am running linux now and it is much better than windows. Linux is not a corporation, a brand, or even an independant entity so much as it is the foundation of a new way to compute. An open, extensible, publicly owned foundation upon which anyone can ''embrace and extend'', in true meaning of the phrase. Linux is freedom. Winston Churchill once said that Americans always do the right thing after they have exhausted all other options, Americans will choose freedom in the realm of computing.

Make microsoft's punishment a punishment. Cold hard cash speaks volumes and is another expression of freedom, saying, here I am, worth, spend me as you may. Microsoft offers oppression and control, aid in liberation.

Thank You,

Jonathan Robinson.

MTC–00018315

From: Steve Cannon
To: Microsoft ATR
Date: 1/23/02 3:37pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the settlement with Microsoft because it does not restrict Microsofts practices towards OEMs. These practices remove ability for competitive operating systems to gain a foothold.
Steve

Steve Cannon stevec@netomat.net—www.netomat.net

[desk] 212 594 1955 x 112 [mobile] 917 541 6456

307 W. 38th Street #901 new york, ny 10018

MTC–00018316

From: Maki, Daisuke
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

I do not support the proposed settlement, as it does not solve the bottom line of this case: It does NOT prevent/punish Microsoft for bundling everything in its OS for free. As we progress in our technology, who knows whatever else Microsoft may be willing to bundle with its Windows operationg system? Just look at what it has now:

1—a web browser
2—a mail client
3—an all-encompassing media player

Those are the major components. How are software developers to create their own versions of any of the above, it it all comes free with Microsoft's OS? There *is* no competition as it is. I'm surprised other multimedia player vendors are not actively suing Microsoft as it is.

If the proposed settlement does get approved, we will just allow Microsoft to continue on with its anti-competitive practices, I'm sure we will see another anti-trust case, but with another product like the Netscape web browser as its main example.
—d

MTC–00018317

From: Ryan Cole
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Issues with the Microsoft Settlement

Dear DOJ,

After some review of the proposed Microsoft Settlement, I have found fatal weakness in it. They are as follows:

1. Definition A should state that an API is simply an interface between applications and the operating system. Narrowing this definition is not only inaccurate, but opens a pandoras box of loop holes for Microsoft.

2. Definitions J and K are also too narrowed, so much so that they exclude their real meanings. Middleware is simply software, or a part of software, that mediates between an application and a network. Microsofts .NET strategy will tend to combine OS updates, middleware, and end-ware applications. Anything other than an accurate definition, accounting for the fact that middleware can exist as parts of other programs, will not pertain to many soon to be released products and be too easily circumnavigateable.

3. Definition U should simply state ''Any operating system produced by Microsoft.''

4. While Section III.I is very helpful, it should go further to require Microsoft specifically explain which software patents protect the Windows API.

5. While this settlement makes an attempt to protect OEM's from Microsoft, unfortuneately too many loop holes still exist, leaving OEM's, especially smaller OEM's, subject to retaliation. Anything short of consistent per unit published prices period, will allow for such retaliation.

6. No tricky licenses! Microsoft needs to be restricted to licensing practices that do not dictate the operating platform the product is to be used with, restrict free software development, or otherwise restrict a products use to hinder Microsoft competitors.

7. Consistent and published file formats. When Microsoft changes file formats, it stifles competition and innovation, while forcing their own users to upgrade by way of sheer market leverage. Properly designed file formats rarely need to be changed or overhualed, and surely not with every product release. Storing information is quite straightforward, yet Microsoft surely has succeeded in innovating ever more complex ways to store it. Restricting file format changes and forcing Microsoft to publish existing ones is necessary. This would greatly benifit the exchange of information, and helping to solve one of the most common issues faced by Microsoft and non-Microsoft users alike.

Thanks for your careful consideration of these issues,
—Ryan

Ryan Cole
Programmer Analyst
www.iesco-dms.com
707–468–5400

MTC–00018318

From: Jonathan Mayer
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunny Act, I would like to comment on the proposed Microsoft settlement.

I am very disappointed in what I perceive as the DOJ losing its nerve and snatching defeat from the jaws of certain victory in the Microsoft anti-trust battle.

When I was young, brilliant software engineers were able to create new products and turn these innovative products into billion dollar industries. Borland, Autodesk, Lotus, and Oracle are only a few examples—a list of examples that should have included Netscape. Their example inspired me to follow in their footsteps into what looked to be a bright new dawn.

Today, instead of a vital, innovative, freely competing software economy, we have a captured ''economy in a bottle.'' We have an economy in a bottle, where the ants inside struggle with each other for survival, while Microsoft securely tightens the lid.

Software engineers are still free to invent brilliant ideas and start companies, but we live at Microsoft's leisure. At best, a successful software company will be acquired and integrated into Microsoft. At worst, the penalty for success is to be imitated and undermined by a company with gross competetive advantage: a stranglehold on the tools and standards that are the gateways of our industry.

Microsoft is running the game, setting the rewards of the game, and is guaranteeing that no company will ever grow to the point that allows them to upset the software hierarchy that Microsoft dominates. They have repeatedly demonstrated their ability and willingness to abuse their market control to put down competitors that grow too ''uppity.'' If the legal remedy against Microsoft's monopolistic dominance of the software industry fails (as it is about to do), there will never be a second chance. The software industry, which could have been America's most vital and powerful industry, will wither and spoil. The power of information technology to revolutionize productivity, communication, and quality of life on earth cannot be underrated. Leaving that power in the hands of a demonstrably abusive monopolist is a betrayal of the law, a betrayal of the capitalist system, and a betrayal of our future.

The proposed settlement agreement fails in every way to remedy this problem. Microsoft can not be tamed or trained to behave itself—it must be unseated from the reigns of power.

Thanks for listening.

Sincerely,
Jonathan Mayer <jmayer@guck.net>
Mountain View, CA.

MTC–00018319

From: Erwin, Christopher
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:44pm
Subject: Opposed to the Settlement

I am opposed to the settlement offered by the DOJ in the Microsoft case. I am a data analyst by profession and a computer programmer by hobby. I would like to start my own software company, but I feel that it would be foolish to do so because of one fundamental cause: software business that is successful today will be Microsoft's business tomorrow.

The findings of fact in the Microsoft case are not in dispute. Microsoft is a monopoly and they use their monopoly power illegally to stifle competition and invade new markets. Why should I risk innovation in the face of such a foe?

The proposed settlement will do nothing to redress Microsoft's past crimes, and the restriction on future behavior are so minor as to allow Microsoft to select the majority of it's own regulating body. Furthermore, Microsoft will be allowed to re-frame it's business practices in the name of ''security'' and be basically immune from the conditions of the settlement. A real penalty would redress the past illegal behavior and prevent such behavior in the future. The current settlement does neither.

As an aside, who settles a trial in the penalty phase? Is that a little like forfeiting when you've already won?

Christopher Erwin
2030 W. 28th
Eugene, OR 97405

MTC–00018320

From: laird@spk.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the proposed settlement of the Microsoft anti-trust case is a bad idea that ultimately rewards Microsoft and influences a generation of school students to the false idea that Microsoft is the only viable software for PC's, thus tightening their virtual stanglehold on the market.

Ken Laird
ken—laird@agilent.com
Agilent Technologies
Spokane Site
AT&T: (509) 921–3656
24001 E. Mission, Liberty Lake, WA 99019
Telnet: 1–921–3656

MTC–00018321

From: tesla@twain.panam.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I disagree with the current settlement proposal.

Hector Vasquez
MicroComputer Application Specialist
The University of Texas—Pan American
Learning Assistance Center
STUS 627
1201 W. University Drive
Edinburg, TX 78539

MTC–00018322

From: howard@shubs.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

It seems to me that allowing Microsoft to ''settle'' for a free (to them) ''solution'', in which they get access to a market (schools) which has been a weak point for them so far, is contradictory to the spirit of the lawsuit. It would give them MORE control over the industry, MORE sway over children, whose mindsets haven't yet frozen, and would end up getting Microsoft that much more mindshare/marketshare.

The settlement where Microsoft gets to do this is VERY bad, should not be accepted, and would be a serious miscarriage of justice if it were to go through.

I'd like to see them split into four pieces: Operating systems, Office, Internet, and the rest. None of these companies could cooperate with the others except through public documentation for 20 years. If that makes them fail, too bad.

Howard S Shubs

''Run in circles, scream and shout!'' ''I hope you have good backups!''

Aren't there any networked SJFs around?

MTC–00018323

From: Ben Ford
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is insufficient. Please review this essay for reasons why.

http://www.kegel.com/remedy/remedy2.html

Ben Ford
Yakima, WA

MTC–00018324

From: Mike G.
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

Dear Sirs,

The proposed Microsoft settlement is a poor idea. After reading up on the final proposal, I was surprised and discouraged to find that it is too lenient, contains too many loopholes, and would allow the company to continue to lock-in users rather than allowing choice and competition. It is not without reason that half the states involved in the case are still pushing for heavier penalties.

Do not forget that Microsoft is a repeat offender. A federal district court and an appeals court have both affirmed that Microsoft is a de facto monopoly and that it has abused its monopoly profits and market position to engage in anticompetitive ways even after an earlier antitrust case. Microsoft has clearly shown that comprehensive remedies and strict enforcement are necessary to hold it accountable for and to prevent further unlawful and predatory behavior.

MTC–00018325

From: C. Michael McCallum
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

I hereby go on record as against the proposed DOJ Microsoft settlement. The reasons are many.

Such figures as Judge Robert Bork and Ralph Nader have said it would EXTEND, not reduce Microsoft's monopoly (which is of course, a finding of fact). Enough reason for me is the fact that the settlement does not appear to meet the requirement to ''unfetter a market from anticompetitive conduct''. Many inportant APIs will go undocumented.

Microsoft is not required to disclose technical requirements of new releases in advance.

Middleware vendors will learn of API documentation too late for effective coordination.

Patents remain undisclosed.

I see many more things wrong with this proposed settlement than right.

I urge the rejection of this settlement.

Respectfully,
Charles Michael McCallum
Elk Grove, CA
C. Michael McCallum
''That may be one tough nut to crack,
Associate Professor
but I am one determined
Chemistry, UOP
little squirrel''
mmccallum@uop.edu
(209) 946–2636, fax (209) 946–2607

MTC–00018326

From: Christian Walker
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

As per the Tunney Act, please consider the following in regards to the proposed microsoft settlement: It does not sufficiently compensate consumers for our loss due to lack of competition.

A more appropriate and punitive responce would be to require, at a minimum, that Microsoft allow hardware vendors to sell computers WITHOUT forcing consumers to buy Microsoft software, and without any fees for doing so.

In my experience with software developers, and VC funding, there is widespread belief that creating a product that in any way competes with Microsoft now, or where Microsoft may want to go in the future, will result in anti-competitive behavior on the behalf of Microsoft.

This has drastically hindered software advances in the US, and abroad.

—christian

MTC–00018327

From: Abraxas
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors. Monopolies completely broken up in the past were less influential, powerful, and anti-competitive than Microsoft is now.

Charles J. Martin
75 Davis Road,
Westport MA, 02790

MTC–00018328

From: Jeremy Farabaugh
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

I would like to add my voice to the chorus of those opposed to this settlement.

There are many parts I disagree with, but the one I feel most strongly about is this:

Overlooked in this settlement is the issue of file formats, specifically file formats of Microsoft's ubiquitous Office Suite. The closed nature of these file formats allows Microsoft to not only bar third party applications from competing, but also requires users to purchase new versions of Microsoft's products in order to continue using and sharing these documents with others.

Please take my comments into consideration.

Jeremy Farabaugh

MTC–00018329

From: Marcus Gaines
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

Greetings. I am writing to oppose the terms of the tentative settlement of the Microsoft Antitrust case. I Believe that the settlement will not reduce or stop Microsoft Corporation's anti-competetive practices. One specific aspect with which I take issue is the fact that The PFJ does not require

Microsoft to release documentation about the format of Microsoft Office documents. I am a technology specialist for a public school district. In my job I support systems both with and without Microsoft office. The lack of documentation of Microsoft Office's file formats makes it very difficult to find good ways to get our office software to intercommunicate. The decision by Microsoft Corp. to keep their file formats proprietary and closed is a clear attempt to discourage the use of other Office suites by leveraging the large market share enjoyed by Microsoft Office. If a competing suite will not read Microsoft file formats, its users are at a competetive disadvantage since they may have their communication with Microsoft Office users obfuscated. Thank you for your time and for your consideration of this matter.

Marcus Gaines
Technology Systems Specialist
Windsor Unified School District
Windsor, Ca.

MTC–00018330

From: Jon Pfaff
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To whom it may concern, ladies and gentlemen: Living in Seattle, I have been bombarded with the superficial news reports of Microsoft monopolistic tendencies. These reports do not even come close to the actual nefarious activities to which Microsoft people resorted to squash competitors. The tactics can only be called restraint of trade.

There are widely circulated, via the net, stories of loading the Windows operating system with ''poison code'' to render useless the application products of other companies. People I know who worked at Microsoft as temps, can relate incredible tales of directives from top management to sabotage the ability to use with Windows, any product which might compete with Microsoft Word and Excel.

Microsoft management has consistently bragged about their innovations. They have not innovated anything! They buy, purloin and out and out steal code from other products, then use their huge economic clout to push Microsoft product on users. They have purchased potential competitors and either buried that technology, or turned it into a Windows/Microsoft application which sucked.

To punish Microsoft by ''forcing them'' to provide hardware and software to schools is to put the fox into the hen house. It gives them the opportunity to monopolize one area of computer use they have never been able to crack. One would have to wonder how much the person who instituted such a ''penalty'' was getting paid by Microsoft. If the computers they were required to donate were made by Apple, or used either the Mac or Linux OS, then Microsoft would still be able to donate ''Office for the Mac'', which, incidentally, is the best piece of non-buggy software Microsoft has ever marketed.

To sum up: Microsoft is predatory, and similar to a sex offender, it has proven it will repeat and continue to be predatory unless stopped by a stronger power; a company so steeped in monopolistic practices, it no longer deserves to exist as a whole; and to give them yet another heretofore unavailable market as a form of ''punishment'' would be the height of uninformed stupidity or insider payoff.

I urge the Department of Justice, and the presiding judge,to make it abundantly clear that these monopolistic, predatory practices will not be tolerated by punishing Microsoft with harsh consequences.

I would prefer to see the company split into two separate entities.

Jon Pfaff
jonpfaff@oz.net
206–522–4149

MTC–00018331

From: craiger@hemna.rose.hp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Please enforce (and interpret) the law as it is written. As a citizen, I expect nothing more and nothing less from the judicial branch of my Federal government. Thank you.

Sincerely,
Craig Lamparter
Registered (D)
Computer Scientist
407 Pine Hearst Ct
Roseville, California
95747

MTC–00018332

From: G. Edward Johnson
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Edward Johnson

MTC–00018333

From: jesse.
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

Honorable servant of the public,

As a computer user, systems administrator, and software developer, I have come into contact with all manner of Microsoft applications; in fact, I use one now as I write you. Drawing upon my experience as a whole, I can say that if any automobile manufacturer sold a car which performed as poorly and failed so miserably to live up to the expectations of the consumer as Microsoft products have, I am confident that the US government would have taken decisive action against such a company. If that company were using its investments in the oil companies and tire manufacturers to leverage its product, at the expense of competitors, this act would result in considerable punitive damages imposed and enforced by the federal government.

The situation described above is a perfect analogy to the current stranglehold the Microsoft corporation has on the software market today. Microsoft has ownership of the source code to Windows, the most prominent operating system (OS) in the world (which is not a crime in and of itself), and by consequence, has the ability to determine who can develop content for it, and what kind of content may be developed. The Internet Explorer browser is the most common tool used to view the vast world wide web, with some counts reporting 70% usage by the world's PC users. This much may be attributed to good business management and favorable circumstances; the rest of the Microsoft success is due to it's usage of market share in one market to advance itself in another market.

Microsoft's premiere productivity package, Office, consists of a word processor, professional e-mail tools, a spreadsheet application, and many other items. Office seems like a good product, and indeed it is a good combination, which is why there are so many other packages just like it (Corel's Office and Sun Microsystems'' Star Office to name just two). The reason the other suites have failed or hold considerably less market share is not that they offer less to consumers, it is because they are unable to utilize the features of Windows to their fullest extent and gain in performance, speed, and reliability the way Microsoft Office is.

While Microsoft releases enough information to software developers to create applications for Windows, it does what many feel to be the bare minimum. This information, known collectively as the Windows API (Application Programmer

Interface), is the key to making Windows applications at all, let alone making them work well. When one sees a Microsoft application running and a third-party application running, one can see that the Microsoft application is able offer more (whether it be with bells and whistles or with performance gains) than the competitor. This is not thanks to a more competent development staff at Microsoft (indeed, Microsoft applications have consistently been shown to be extremely vulnerable to remote exploitations of every manner, even of the most simplistic kind, known as a buffer overflow which can be prevented with some of the most basic programming techniques), but because of what amounts to insider information: the team making the application can talk to the team who made the OS at the water cooler. It is even rumored that Microsoft developers utilize a hidden API not made publicly available but kept hidden and for the use of only Microsoft developers.

If a high barrier-to-entry in the software business were not bad enough, Microsoft has done nothing but perpetuate its hold over businesses and end-users by making it difficult to switch from Microsoft products. The Microsoft Office package, being thoroughly popular among users of Windows, uses formats for saving files created by the user which cannot be read (or can be read from on a limited basis) from or written to by other applications. While it is not illegal to use proprietary file formats, it is highly suspect that Microsoft ought to be able to claim such protections on file formats it has made pervasive only by preventing competitors from making truly comparable products. In other words, if Microsoft is going to prevent competitors from making equally (if not greater) reliable and functional products, it ought to at least allow those competitors to use the file formats it intends to make a standard out of.

Another consequence of Microsoft's market dominance is that consumers no longer know what a good application or a good OS is. How can one know what a good application is when there is only one application for whatever need they have; going back to the automobile analogy, how can one know how a good car is supposed to run when there is only one car manufacturer in business? Indeed, how can one know how a good computer should run when there is only one way to operate a computer, Windows. Microsoft client and server software have been riddled with holes since the very beginning; by their own admission the writers and implementers of many recent mass attacks, viral and otherwise, have done so with the intent to show to the end-user community that Windows is extremely vulnerable. Even Microsoft's newest OS,

Windows XP, was found to have a massive exploit built into its network architecture which allowed an attacker to execute any command on the remote machine. It was not until the FBI became involved in warning users about this critical security risk that Microsoft released a patch for this exploit; there are still a great deal of security holes in many Microsoft products which are, to date, unpatched. Windows'' reliability and stability is highly questionable, and at times it appears as if certain portions of the OS were not thoroughly tested. Ask a Windows user at any level of competence what pressing the control, alt, and delete keys simultaneously does to the computer and they will tell you that it is the oft need combination which allows him/her to shut down a program which has failed or halted. Ask them what an illegal operation is and before they tell you of drug smuggling cartels and mafia crime syndicates they will tell you that it is a vague reference to the crash of an application. Ask then what Scandisk is and they will tell you it is the program which necessarily runs after Windows itself has performed an illegal operation and cannot be rescued by the three button combination mentioned above. The fact that common users, not needing to know anything about a computer's internal operation to send and e-mail or bring up a web page actually knows what these things are should say something about the general reliability of the OS.

Microsoft may claim that its proprietary way of handling itself is necessary to its business model, and to the success of its products, but that is most certainly untrue. Red Hat and VA are two among many companies who have made a business off of a product which they offer for free download to their users: Linux. The Linux community is the exact opposite of the Microsoft conglomerate: the software developers have full access to the code base (known as open source) so that they may access whatever information they need; the users are presented with software developed by the community which is functional and may be improved upon by anyone who has the motivation and the knowledge; the security is tight as a consequence of the opened source code, since the community at large may scrutinize any program and report any bugs or possible vulnerabilities and then easily submit a patch for general distribution. With the Linux community the bottom line is not expressible in dollars, and so the community may concentrate on greater things that attempting to cover-up known issues with the software in order to keep customers.

To be sure, Microsoft has been and still is playing a game for years in which it is the only competitor. The pawns are users and third-party developers alike, and it's weapons are denial, ignorance, lawsuit, acquisition, and monopoly. The only way to let other competitors in and to give them equal footing to compete with Microsoft is to allow them full and complete access to the API code base of past, present, and future incarnatio ns of Windows, that which is the common denominator for all PC based software development, and which has been the focal point of Microsoft's leverage in the software marketplace. In addition, forcing Microsoft to open and adhere to standards for file formats such as its Word format for word processing would be another equally important step in ensuring that Microsoft plays fair.

To open the API code base would require diligence on the part of enforcement authorities, but the software development community would be more than willing and able to play the role of watchdog. The software developers of the world would finally be able to have an unobstructed view of the platform for which they have been developing, which would allow them to come up with truly new and innovative ways to use the OS to get the task done, instead of being reduced to using only Microsoft approved tools. Once again software development would be about creating new and productive software; destabilizing Microsoft's monopoly would only be a side-effect of the rejuvenation of an industry now plagued by limited availability and a giant competitor who makes all the rules.

In no way do I advocate the total opening of a key piece of intellectual property owned by Microsoft, just the availability of enough to make sure that anyone who wants to develop software can do so without being hindered because he/she does not have the resources to write the software the way they want to. A distinction should be noted between the API and the entire source code to Windows: the API is that portion of Windows necessary to third-party developers for writing effective code. The extent of the code released should be determined by a panel to whom full access to Windows source code is given. This panel should consist of accomplished software developers in the development community: those who work for Microsoft as well as those who work for their competitors, those who program for Linux, and most notably, those who have already begun working on deciphering the API without Microsoft's help.

The last group I speak of includes the programmers of a project which began before the DOJ lawsuit was filed: the Wine project, most associated with the CodeWeavers company. Wine is a project to emulate Windows and allow for Windows applications to be run on a variety of other OSes, including Linux and Sun Microsystems'' Solaris. These programmers have worked diligently on a way to destabilize Microsoft's monopoly and lower the ''switching-cost'' (the cost of switching from one company's product to that of a competitors) of Windows.

Monetary damages cannot be used against a giant who is sitting on top of tens of billions of dollars in assets, but to force it to share a little of its knowledge can be infinitely more beneficial if the proper information can be extracted. To the end-user the outcome of this case may not represent much of a change, since the average user has only been interested in computing since the late 90s, but to those of us who have been using computers long enough to have seen the decline of the software market and an associated decline in the overall quality of software in general, this case has to potential to bring back to computing a bit of integrity and more importantly, opportunity. It is with this in mind that I implore your honor the judge to consider the opening of the Windows API to be the way to cut the root of the problems which have stifled true creativity and innovation within the developers community. Jesse Dhillon.

''Ideas are more powerful than guns. We would not let our enemies have guns; why would we let them have ideas?''—Josef Stalin

MTC–00018335

From: Lord Famine
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

I believe that the settlement with microsoft is a very bad idea. Considering what they stand accused of, there should be no settlement, only a serious penalization that would render the company less able to engage in such monopolistic practices. Please be determined and relentless in your pursuit of justice. You have my support, and the support of many people I know.

MTC–00018336

From: Micah Alpern
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I belive the proposed antitrust settlement will not restore significant competition to the software industry.

I believe that Microsoft should be required to fully disclose and document its Office file formats and windows APIs so that 3rd parties could make competing and compatible applications. This proposal is fully articulated by Scott Rosenberg (scottr@salon.com) of Salon magazine at: http://www.salon.com/tech/col/rose/2002/O1/16/competition/

The article is included bellow for completeness.

Thank you,
Micah Alpern
5677 Hobart Street Apt 4
Pittsburgh PA 15217
(412)-421–8555

Chips ahoy

AMD competes with Intel, and the public wins. The right Microsoft antitrust settlement can bring the same energy back to the software market.

By Scott Rosenberg

Jan. 16, 2002 [The personal computer industry may be in its worst slump in history, but you wouldn't know it by following the news from the processor wars. Over the past two years, Intel and AMD have unleashed an incredible competitive cycle in Silicon Valley. In case you missed it, last week these two chip companies offered dueling releases of new flagship processors: Intel unveiled its fastest Pentium 4 yet, running at 2.2 gigahertz and built with a new. 13 micron process that crams even more transistors into an even smaller space. AMD, extending the huge success and popularity of its Athlon line and the Athlon's most recent and powerful incarnation, Athlon XP, announced the XP 2000—a chip that actually runs at 1.67 gigahertz but, third-party tests show, nearly keeps up with the 2.2 ghz Pentium 4 in most tasks (and even surpasses it in some). What's going on here is simple: Good old-fashioned competition drives engineers to continue to work miracles. Intel, the market-dominating behemoth, has always pushed new, improved products out the door faster—and dropped prices more readily—when it feels the breath of a credible competitor on its neck. For many years the competition was feeble, but that changed when AMD's Duron and Athlon chips began giving Intel a run for its money—and, for a time in 2001, actually bested Intel for the fastest personal-computer chip title. Today, these two companies keep spurring each other on, and consumers win big. For most of us, that's all we need to know: Computers keep getting faster and cheaper. The details are of interest only to the legions of hardware nuts, high-performance system geeks and chip-overclocking fans who flock to the Web's hardware review sites. Right?

Well, the gigahertz specs may indeed be only geek fodder, but the other details of the Intel-AMD rivalry should be of keen interest to a much bigger crowd. That's because the competitive heat driving the processor market puts the relative frigidity of another part of the computer business into bold relief. I refer, of course, to the business of designing personal-computer operating systems—a business that Microsoft has dominated for years and that, according to the confirmed verdict of our federal courts, it now monopolizes.

What if Microsoft were challenged as strongly on its home turf as AMD is now challenging Intel? What innovations, improvements and price reductions would the public enjoy that it doesn't, today, thanks to the Microsoft monopoly? This is the big question that hangs over the continuing struggle to find a meaningful outcome to the endless Microsoft antitrust saga. And the AMD/Intel analogy is worth pursuing to try to find some answers. Microsoft and its supporters, of course, maintain that the monopoly label is misplaced. After all, can't you buy a Macintosh without buying Microsoft Windows? Can't you obtain a PC and fire it up with any of a dozen versions of Linux or other Unix-style operating systems?

Sure you can—and each of those operating-system alternatives has its partisans. But for use by individuals on their personal desktops, Microsoft Windows holds the overwhelming market share— by nearly every estimate, over 90 percent. Is that simply because Windows is superior to the alternatives? There are certainly people who believe that; and, to be sure, with the release of Windows XP last year, Microsoft finally moved its flagship operating system off the aging and increasingly unstable code base it had inherited from its infancy and onto the relatively more reliable Windows NT/Windows 2000 core.

But how much faster might Microsoft have achieved that improvement if it was racing a tough competitor? And how much more incentive might the company have to produce more secure, less virus-vulnerable products today? The historical record is quite clear (and the antitrust trial record is just as clear): The central reason Windows has maintained and extended its market share over the years is not product superiority but a concept economists call ''lock-in.'' Once you have all your data and all your software applications on one operating system or ''platform,'' moving to a different one is painful—it takes time and effort and money (as economists say, your ''switching cost'' is high). Over the years Microsoft has not had to push harder and faster to improve Windows because it knew that its customers were unlikely to make a fast switch to a competitor.

Now, that picture would be very different if you could somehow reduce or eliminate those switching costs. What if competing operating systems could seamlessly and interchangeably run the same programs and utilize the same data files that Windows does?

Here's where the Intel/AMD analogy comes in handy. These manufacturers compete to provide chips that can run the same computer programs—known loosely as ''x86 compatible'' code—and that retain compatibility with hardware like expansion boards and peripheral devices. If you needed to write different versions of each piece of software and manufacture different versions of each piece of accompanying hardware—one that would work with Intel's chips and one that would work with AMD's—the whole competitive market would disappear. The weaker player (presumably AMD) would vanish and—presto!—Intel would have a monopoly as tough as Microsoft's.

This relatively level playing field in the x86-compatible processor business did not come about by sheer happenstance. The semiconductor industry is marked by a Byzantine pattern of patent cross-licensing agreements; they provide permanent employment for legions of lawyers, and laymen seek to understand them only at great peril. What's important about them, however, is not how they came about but that they work.

Now that the federal courts are trying to figure out an effective remedy for Microsoft's abuse of its monopoly powers, the competition between Intel and AMD provides a valuable model. How would one go about enabling Microsoft's rivals to compete with it as effectively as AMD is competing with Intel? The key here is something known as the Windows API (or ''applications programming interface'') — the set of instructions that Windows programs use to ''talk to'' the operating system. The Windows API has long been a murky issue: Microsoft has always provided some information to independent developers—it has to if third-party Windows programs are going to work. But Microsoft can and does muck around with the API, changing things that break competitors'' products, anytime it wants to. And rumors have long buzzed, without ever being nailed down, that Microsoft's own developers take advantage of so-called hidden APIs that non-Microsoft coders can't use. The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion -assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Now, I can already hear the howls from the Microsoft comer that this plan is evil and un-American because it forces Microsoft to give up some of its intellectual property. Well, yes. Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate. With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

The Justice Department settlement is currently in a public comment period mandated by a law known as the Tunney Act. Through Jan. 28 the public is invited to send in comments on the proposal. (You can also e-mail them, with ''Microsoft Settlement'' in the subject line.) I'm sending this article in, and I encourage readers to file their thoughts as well. What good is open government if we don't use it?

MTC–00018337

From: jason zalva
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

Dear Sir,

I am an up an coming computer programmer and what has made it easy is the support I have in the Linux community (GPL,OpenSource.) Open Source software is the key to spreading knowledge and education. The ability of being able to copy, distribute, and even change the source code without being prosecuted is a nice plus. The Open Source community will never be able to compete with Microsoft because we are not a single huge corporation. We are made up of many small companies, gamers, hackers, administrators, programmers, trouble-shooters, graphic artist, webpage designers, young and old. Sir we need the governments protection to continue our way of life that M$ would love to see destroyed(ie: The Halloween Document.) We cannot fight M$, but they can fight us, they are big and they have money and computers in Washington. Ask anyone who knows anything, if you want a secure server or network, use UNIX or Linux. If you want to pay for a bugs and compromised security, get MS windows.

My feelings are very strong on this subject, and I don't have a lick of money invested in any computer software or hardware company. I just believe that Microsoft has become too powerfull for it's or anyone else's own good.

Sincerely,
Jason C. Zalva
PO Box 1177
Southwest Harbor ME 04679

MTC–00018338

From: kurt braun
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

DoJ,

I am opposed to a settlement with Microsoft, and as a citizen of the United States of America I would like to make my opinion known under the Tunney Act comment process.

Microsoft was found by the court to be an illegally maintained monopoly. The government needs to enforce sufficient penalty for this finding, which the proposed settlement does not accomplish. The computer industry has been at the mercy of Microsoft's illegal activities for far too long. Only swift legal action can restore healthy competition and real innovation to this industry.

In my opinion the DoJ should force Microsoft to:

1. Be split into two companies, OS & Application businesses

2. Office file formats (.doc .xls .ppt) be made open source so that other software companies can compete in this market by interoperating with the existing MS Office monopoly.

3. Provisions be made to stop the predatory pricing used by Microsoft (IE, MSN, MediaPlayer etc., cannot be given away for ''free'' in the OS)

4. Microsoft server protocols be made open source, so that other operating systems can communicate.

5. Microsoft internet protocols (.Net, IE, etc) be made open source so that other operating systems can interoperate properly.

6. Microsoft must publish the prices it charges it OEM's for windows.

Regards,

Kurt Braun
1 Cottonwood Circle
Shrewsbury MA 01545

MTC–00018339

From: DAVID SMITH
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I am against it.

David E.B. Smith
Senior Counsel
Building and Land Use Litigation Division
City of Chicago, Department of Law
(312) 744–8712
davidsmith@ci.chi.il.us

MTC–00018340

From: greg armstrong
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

Microsoft should be punished for stiffling competition and helping curtail the software industry.

What better way to boost the economy than open the flood gates to competition and let the boom begin again, this time with out microsofts handcuffs.

Show us for a change that big business is not in bed with the government. Give me and my children hope, please.

Greg Armstrong

MTC–00018341

From: Hal Anjo
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:47pm
Subject: Microsoft Suit

AOL's suit against Microsoft leaves me with mixed feelings. However, to paraphrase Dan Gillmor, Microsoft's tactics with Netscape Navigator did amount to a corporate mugging. This behavior was all too typical of Microsoft's and Bill Gate's behavior in the early years. Some type of settlement is in order.

MTC–00018342

From: Aaron E Nowack
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

After reviewing the publicly available information on the Proposed Final Judgement, my opinion is that it is not in the public interest because it fails to take into account Windows-compatible operating systems by both using too narrowly defined definitions which keep Microsoft from full disclosure of its ''secret'' APIs and by failing to prohibit Microsoft's introduction of intentional incompatibilities with such Windows-compatible operating systems into Microsoft Middleware, as Microsoft historically did with early versions of Windows to keep them from running on competing DR-DOS.

Aaron Nowack

MTC–00018343

From: Hostmaster, NWADV
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

I'm just writing to voice my concern with letting microsoft off the hook

Dave

Spokane, WA

MTC–00018344

From: Elizabeth Eisenmann
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: settlement

I am opposed to the settlement of the Microsoft antitrust suit as is presently proposed.

In the first place, the financial outlay involved in donating using PCs to school system represents a flea bite in comparison with Microsoft's assets. Punishment for a crime is supposed to involve a meaningful penalty.

In the second place, this ''donation'' will serve to undermine competition further in the education market. It can hardly escape notice that Apple Computer is the leader in this field at present, largely on the merits of its user friendly features and incentive programs for teachers and students. Microsoft would love nothing better than to drive a wedge into this market with its ''free samples.'' If Microsoft truly wants to benefit underprivileged school systems, let them make a substantial monetary donation and allow the schools to make their own choices.

In the third place, there is NO future incentive in this settlement for Microsoft to behave differently than in the past. This company has not been content to simply capture a huge market share and reap incredible profits. They want it all. This settlement is a politically motivated slap on the wrist, a giveaway, and a disgrace.

Elizabeth Eisenmann
144 School Street
Chelmsford MA 01824

MTC–00018345

From: Gina Evans
To: Microsoft ATR
Date: 1/23/02 3:49pm
CC: livkixit@aol.com@inetgw

I want to ask that a fair marketplace be guaranteed for all software
developers and manufacturers.

Thankyou,
Gina M Evans
3110 Kinsrow Ave Apt322
Eugene, OR 97401
Phone(541) 913–6723

MTC–00018346

From: Roger Shaffer Jr.
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

As a taxpaying citizen and a user of computers since 1983, I am appalled by the possibility that the Microsoft anti-trust case may be settled with little more than a wrist-slap and a punishment that only increases Microsoft's market share.

Over the last 20 years, I have watched Microsoft use its monopoly in Operating Systems to drive out any competing products. Gone are the days of multiple vendors with multiple products providing customers a choice. Now almost every area of computing is dominated by Microsoft products whether it be word processors, spreadsheets, programming interfaces, web browsers, email clients, and many others genres. They have done this by hiding their API's, altering their operating system, and using other ''dirty tricks'' to ensure that their competitor's software breaks and their's works.

As a citizen, I am insulted by many of the possible remedies involved. The most dangerous being the proposal for Microsoft to provide software to school children. While I agree that it is essential to have computers in every school. Providing Microsoft-only computers only drives out Apple and limits student's exposure to other forms of computing, eventually training them to be the next generation of Microsoft consumers.

Microsoft has proven itself as being harmful to the computing industry with its many alterations of open standards such as Java and Kerberos to reinforce their monopoly on the desktop.

My suggestion for settlement is two-fold. First, to increase the use of computers in schools, I recommend that Microsoft donate the hardware so that Linux can be installed on the machines. As an Open-Source operating system, Linux is far more useful in an educational setting both for its inexpensive installation and maintenance costs, and because students can better understand how computers function. Secondly, Microsoft should be banned from using any proprietary standards for data files and must be forced to open its existing standards. The ability to properly open, read, edit, and save a document should not require software that is controlled by one organization. .doc, .xls, .ppt, are some prime examples. In addition, Microsoft must release and can no longer perform the type of corruptions to HTML, Java, Kerberos, and other systems that they have done in the past.

Thank you for the opportunity to present my opinion.

Roger Shaffer Jr.
3831 N. Fremont #505
Chicago, IL 60613
773–281–6449

MTC–00018347

From: pierre.i@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

I am writing with regards to the proposed settlement of the Microsoft antitrust case. I've used Microsoft's Internet Explorer & Netscape's browser for many years; each has its own advantages & disadvantages, that is why I use both for different purposes. As a consumer, I have the ability to decide for myself which product suits me best—I am not a helpless victim & I don't want your help. I have been & continue to be appalled by the fact that the ''Justice Dept'' has intruded into the sphere of private business transactions at the behest of its unsuccessful competitors. A dangerous precedent is set whenever any business enlists the help of the government (which is ultimately backed by physical force) to stifle their competitors instead of competing in the realm of the free market.

It is completely irrelevant whether Microsoft bundles its browser with Windows—it is their product, their property. They are guilty of no fraud or physical force—if the consumer doesn't like Internet Explorer or the Windows operating system for that matter, there are many alternatives available on the market.

The application of antitrust laws against successful businesses can only lead to continued corruption (i.e. congressman demanding ''protection money'') and economic disaster as shown in many other countries.

Unfortunately America has strayed far from its original charter. Hard work & success is no longer lauded, but punished at the altar of ''fairness''. If the ''Justice Dept'' has its way, it won't be long before Microsoft is further punished for being a successful company & therefore having the resources to hire the best software programmers. After all, in the twisted logic which passes for today's ''fairness'' doctrine, isn't it unfair that a smaller company can't afford to offer the same compensation package as Microsoft?

Sincerely,
Pierre Ismail
5481 Round Meadow Road
Hidden Hills, CA 91302

MTC–00018348

From: Craig Burgess
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing in opposition to acceptance of the proposed settlement in the matter of the US v. Microsoft antitrust case.

In short, the anticompetitive practices in which Microsoft has consistently engaged throughout its corporate history are unlikely to be changed short of a remedy which specifically and precisely addresses the manifold issues relating to the company's predatory behavior.

Microsoft have demonstrated unwillingness to be bound by restrictions which should have been imposed by the 1995 consent decree, the spirit of which was promptly circumvented by the company. That circumvention led to the company's antitrust conviction. Any settlement which Microsoft willingly accepts must now be suspect; the company's legal team has found a loophole which will be exploited—just as the provisions of the 1995 consent decree were exploited. Microsoft claims that its success depends upon the ''freedom to innovate'' and I must question what ''innovation'' means to Microsoft. The company's history shows that it defines ''innovation'' as ''finding new ways of securing a monopoly stranglehold on all phases of digital technology.''

I have been a user of PC computers and, necessarily, Microsoft's products, since the introduction of the PC computer. Whether I have been harmed by Microsoft practices over that period of time is certainly open to interpretation. That I have benefited from the success of Microsoft is unquestionable but those benefits probably could have been realised through the successes of other companies.

We can never know. It appears to me that Microsoft is poised to become the sole arbiter

of and single point of access to ''digital technology'' from desktop computing to content delivered through broadband Internet connection.

It is my opinion that it is not in the interest of the development of digital technologies to cede control of those technologies to a single corporate entity which I fear will happen if effective restraints are not imposed on Microsoft.

I trust that others, who are both more knowledgable and more eloquent, will address these matters and I urge that their arguments be given careful consideration.

Sincerely,
Craig Burgess
PO Box 57
Vista CA 92085–0057

MTC–00018349

From: James Woollard
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I think the current settlement as is equals stupidity. Microsoft should —NOT— be allowed to keep going like they have.

—James Woollard

MTC–00018350

From: Vijay K. Agarwala
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft settlement

Dear Sir/madam:

I am opposed to the proposed settlement that has been offered by the Dept. of Justice. The reasons are many but the chief amongst them is that it does nothing to break Microsoft's near complete monopoly on the desktop and barriers to innnovation which this monopoly creates.

Thank you.
Vijay

MTC–00018351

From: Andy Longton
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I am deeply concerned with the current Proposed Final Judgment (PFJ) and request at a minimum a specific and limited change to the PFJ in section III.J (1).

After careful reading of the PFJ I am convinced that as-is it will do nothing to effectively remedy any of Microsoft's documented past or similar present and future illegal behaviors as shown in the Findings of Fact (FOF). At worst the PFJ sanctions and even encourages some of Microsoft's worst vices. Other companies may take the provisions of the PFJ as a green light to act similarly and cause additional harm to the consumer.

As a business owner with over 12 years of professional experience in the software industry, and as a user of products by Microsoft and talented persons outside of Microsoft, I know that Microsoft is inherently untrustworthy. Evidence of this can be found in the ineffectiveness of the first Department of Justice anti-trust trial, the proceedings and dishonest actions during both the first and second anti-trust trials, and the FOF from this second anti-trust trial.

In addition to whole heartedly agreeing with and being a co-signatory to the Open Letter composed by Dan Kegel and others (http://www.kegel.com/remedy/letter.html), here is my additional specific recommendation;

Section III.J (1)

This section allows Microsoft to unilaterally designate any API, software module, or source code as integral to security. Because of that one loophole, the remaining PFJ becomes largely ineffective. Microsoft officer Bill Gates'' recently made a publicized announcement that security is now the single top priority at Microsoft. As such, all software and APIs could sweepingly be designated as dealing with security and therefor could not be disclosed unless Microsoft wishes to.

Mr. Gates'' statement should raise direct concern with the DOJ that if Section III.J is not substantially changed, Microsoft will take immediate and public advantage of it to thwart any other condition of the PFJ including any software changes needed by OEMs to customize the Windows desktop. Additionally, any interoperability between Microsoft products and other non-Microsoft products will touch on something Microsoft decides is a security issue—allowing Microsoft to potentially retaliate in court against those other products or to simply deny or change those interfaces as it did against both Lotus and Digital Research (now Caldera).

In addition, the whole concept of secret security devices has been throughly refuted. Security professionals find dubious value and quite a bit of harm in what is well known as ''security through obscurity''.

Security through obscurity is a bad idea simply because if the design of a security device isn't available for investigation, intentional and unintentional defects in the design can't be easily identified and fixed. Worse yet, unethical groups or individuals will discover any weakness and that person or group may not have the publics best interests at heart. Terrorist or organized crime groups would have the motivation to discover these secret weaknesses and exploit them— further harming the public.

To emphasize this: Microsoft is well documented for leaving in ''backdoors'' and other security defects that are not changed till they cause public embarrassment and loss of sales to Microsoft. Some well known security faults still exist in shipping Microsoft products, but do not receive wide spread publicity. Because of that, Microsoft does not fix these defects. W

ith section III.J of the PFJ, Microsoft would have even less of a reason to fix these defects or to remove any current ''backdoors''—now or in the future.

While there are other areas of the PFJ that can be as troublesome as section III.J (1), this is the section that causes me the most concern.

MTC–00018352

From:
preston.s.gabel@exgate.tek.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Dissatisfaction with proposed Microsoft settlement

Dear Department of Justice representative,

I am writing to voice my dissatisfaction with the proposed Microsoft settlement.

The courts have found that Microsoft is a monopoly. The proposed settlement does not work toward ending Microsoft's monopoly. It seems that the proposed settlement will merely encourage Microsoft to become a ''nice'' monopoly. A real remedy will end the Microsoft monopoly and returns the company to having a more normal roll in the evolution of computer technology. Truly ending the Microsoft monopoly will allow real competition and innovation to return to this important sector of our economy.

Thank you for considering my comments.

Sincerely,
Preston S. Gabel

MTC–00018353

From: Parker, Thomas (US—McLean)
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I am opposed the the Proposed Final Judgment in its current form. It fails to address many concerns, including many of Microsoft's restrictive licensing terms. This settlement needs to be reworked with broader input from industry experts and representatives of competing operating systems.

Thomas Parker

Thomas Parker, Deloitte & Touche LLP, Management Solutions & Services

1750 Tysons Boulevard, McLean, VA, 22102

Office: (703) 251–4227, thparker@deloitte.com http://www.deloitte.com

MTC–00018354

From: Leilah Thiel
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

It is my sincere hope that the court will continue to work to find a stricter settlement. I find Microsoft's business practices to be absolutely abhorrent, and am hoping that a settlement can be found that will correct some of the damage they have done.

Sincerely,
Leilah N. Thiel

MTC–00018355

From: Steven McDonald
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. It does not go far enough in punishing Microsoft for harming consumer choice. It does not take the appropriate steps in preventing Microsoft from continuing their anticompetitive practices. As an example, Microsoft has a history of abusing their monopoly power to force OEMs to sell only Microsoft products, and the settlement allows them to continue this practice.

Thank you for your time,
Steven McDonald
Redwood City, CA

MTC–00018356

From: RBrumpton@atai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

The proposed settlement is too weak and does not take into account other operating systems that are striving to be windows compatible. If passed this settlement would send the message to Microsoft that what they have done over the last several years is not that bad and the will continue exercising their monopolistic powers.

Richard G. Brumpton, Jr
MCP, MCSE, MCT, CCNA, OCP, CNST, CNCT, A+
Training Engineer
a Technological Advantage
Native U.S. Citizen
658 Turtle Creek Dr.
Creve Coeur, MO 63141
(314) 469–2787

MTC–00018357

From: Jeremy Noetzelman
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

I, along with most of my colleagues, are vehemently opposed to the proposed Microsoft settlement. It will serve to further entrench Microsoft in a monopolistic position, while hindering open and fair competition.

Jeremy Noetzelman

MTC–00018358

From: Eric J Larson
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to complain about the antitrust settlement for Microsoft. With regard to releasing APIs and information I believe this should be reconsidered. Without access to Microsoft documentation it is a means of restricting third party software makers from writing code that functions with grace and efficiency within the platform. Microsoft would then have a means of writing programs that can be integrated into the OS that other business could never achieve. While security is important is it not something that comes by not releasing information but rather by writing better code that includes precautions toward security. I also believe financial penalties should be applied along with restructuring of the company. Consumers are put in a position where the OS does not allow them simple means of gaining the software they would like. While OEMs should have the option of placing software on their machine it should be up to the OEM to include things like Windows Media Player and Internet Explorer. The OEM should also have the ability to decide how much these products are integrated into the OS, giving OEMs the ability to have the operating system customized for their customers if they so desire. While I realize it might be too late to mention some of these points I simply wanted to voice my opinion and disagreement with the settlement.

Thank you for giving me that opportunity.
Sincerely,
Eric Larson

MTC–00018359

From: ghost
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Like so many others I find myself responding to this settlement in negative ways. I believe this settlement is a bad idea and needs to be reworked to take into account businesses and other sectors that will be impacted. I am a big believer in the Cash option. If they have to pay, make them pay cash. Letting them dump their product into a market that they don't already own is not the way to stop a monopoly.

thank you for your time

MTC–00018360

From: Pravir Chandra
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have been reading the proposed settlement from the usdoj web site. I must say that I am not in favor of it in its current form. I feel as though it needs to be more in favor of Microsoft's competitors, and less favorable to Microsoft.

Thank You.
Pravir Chandra.

MTC–00018361

From: Mick Magill
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a Windows, Solaris, Mac, and Linux administrator, I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Michael J. Murray-Magill
211 Pearl St
Santa Cruz, Ca.
95060
831–469–3852

MTC–00018362

From: Sten Turpin
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

As someone who has tried his best to avoid the shoddy workmanship of Microsoft products, I have to say that Microsoft has a true stranglehold on the software market. I do not doubt for a second that some of the means they have used to attain this stranglehold have been shady or even illegal. I have followed the DoJ's case against Microsoft, and even their behavior in court I thought merited punishment. To settle for such a meager sum, rather than giving Microsoft the severe punishment they deserve is to allow our government to further subjugate itself to corporate power and monies interests.

Sten Turpin
Internet Administrator
Follett Higher Education Group
www.efollett.com

MTC–00018363

From: Matt Oquist
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am deeply disturbed by the weaknesses of the Proposed Final Judgement (PFJ) in the United States v. Microsoft. This PFJ fails to deal with many of Microsoft's exclusionary practices, and deals ineffectively with others.

For example, consider that Microsoft discriminates against ISVs who ship Open Source applications. The Microsoft Platform SDK EULA states: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components. . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product. . .'' (http://www.kegel.com/remedy/remedy2.html#isv, visited 1–23–02) As a second example, Section III.A.2 allows Microsoft to retaliate against an OEM that

includes a non-Microsoft Operating System but no Microsoft Operating System. This fails to address the entire problem.

I request that this PFJ be either scrapped or drastically re-written to address these issues, as well as many others.

Sincerely,
Matt Oquist
Nashua, NH
Software Engineer
Compaq Computer Corporation

MTC–00018364

From: Barry Long
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

Dear Department of Justice,

Please bring the Microsoft Antitrust case to a close. Microsoft has complied. Anything more will only result in problems for the computer technology markets. This case has already caused enough problems with that.

Shantay Long
4379 Mosley Bridge Road
Gilbertown, AL 36908
(251) 843–6338
CC:aoctp@aoctp.org@inetgw

MTC–00018365

From: Bryan E. Patrick
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement. I think that the proposed settlement is a joke. It does nothing to punish Microsoft for it's past misdeeds. It does nothing to prevent or even discourage them from continuing their anti competitive behavior, and I cannot believe the DOJ even went along with it. Suppose they were found guilty of robbing banks. Your ''proposal'' is that they promise not to rob banks anymore, and that three people watch them to make sure that they don't rob banks (leaving out S&L's and securities institutions) and if they are caught robbing banks in the next 5 years then by golly your gonna watch them another 2 years. What a joke.

I hope you reconsider and strengthen the provisions of the settlement proposal.

Sincerely,
Bryan E. Patrick
Bryan E. Patrick 281–575–0949
Houston, TX. 77099 http://www.bryanpatrick.com

MTC–00018366

From: Todd Nicoletti
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I don't believe the proposed settlement serves justice. Please consider the vast damage our nation has suffered from Microsoft corporations'' actions and what the world has lost as a result.

Todd Nicoletti

MTC–00018367

From: Evan Anderson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I do not believe that the current proposed settlement with the Microsoft Corporation is appropriate. I have read the proposed settlement, and find that the current settlement is not a change for the favor of competition, and does not adequately punish Microsoft for performing illegal acts.

Thank you,
Evan Anderson
Software Engineer
Oxford Systems Integration, Inc.
619 Lincoln Avenue
Troy, OH 45373

MTC–00018368

From: Darren V. Croft
To: Microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

I am against the proposed settlement.

I am the IS Manager at a small company, and an independent software developer. I believe Microsoft has hurt consumers and slowed progress in the computer industry by anticompetitive behavior, and I don't believe the proposed settlement is sufficient to prevent further harm.

I don't believe it is strict enough (too many loopholes).

I don't believe it can be adequately enforced.

I believe Microsoft has shown a disregard for the law and will not change unless forced to and I don't see that this settlement will have that effect.

I am pleased that 9 states are not going along with this settlement.

An article that some points that hit home to me can be found at:

http://www.eweek.com/article/0,3658,s%253D1887%2526a%253D17989,00.asp

MTC–00018369

From: Stephen Wragg
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Please consider this commentary under the Tunney Act before accepting any settlement.

I am a programmer and a concerned citizen. It seems very clear that the Department of Justice failed to probably prosecute Microsoft for its shameless illegal practices of coercion and uncompleteness. They simply use their size and influence on the market to disrupt any clear standards for sharing information and conducting commerce on the web. When there are no standards in place, the only alternative is to purchase all Microsoft products. They don't even need to write stable or secure software because they can assure it's necessity by causing confusion and fear in the marketplace. Please don't let us down. Throw out this settlement and go back. This is too important to loose.

There should be no settlement considered that does not break Microsoft into at least two separate companies.

Yours Truly,
Stephen Wragg

MTC–00018370

From: Nathan Bannow
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I feel that the proposed settlement is not enough, and needs more review. I take particularly strong offense to Section III(J)(2). This would effectively allow Microsoft to ''kill'' many invaluable not for profit Open Source computer software initiatives.

I also feel that Section III(D) needs to be expanded to include non-commercial entities.

Thank You,
Nathan Bannow
Library Development
20–20 Giza, Inc.
nathan@giza.com (e-mail)
(414) 332–0574, ext. 14 (voice)
(414) 332–0285 (fax)
www.giza.com

MTC–00018371

From: James Poplar
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

There is no competition in an environment given by our current state of business with Microsoft. As a security researcher, I feel that were some company's take responsibility for issues with their software, Microsoft is such a clunky beast it feels it should not care. I would imagine that if business goes on like usual, this will not change.

The practices of the Microsoft company upset me to no end, and the list of abuses I cannot even begin to describe due to the horrific amount that I would have to type before you.

. . . Fixing the online poll to favor .net technology on ZDNet was a recent on that sickened me.

. . . Slandering the open source community was another.

. . . The hostile attitude toward open disclosure for security violations in software is another one.

. . . Forcing the market to comply with the pitiful and poorly coded protocols is another. (UPnP, PPPTP)

I would like to see Microsoft answer for what they have done to the market and the consumers. I feel that something should be done, to make the computing community advance, like force peer review of Microsoft's code, force Microsoft to accept liability for security as well as faulty software, and to educate their programmers in better programming techniques. If I were to code the way they have in the past, I would most likely be caught in a lawsuit myself. It angers me that Microsoft has no liability when it is evident they indeed KNOW about problems and treat them like PR problems and nothing more.

The internet appliance from Compaq is a grand example of their lack of commitment to their consumers, and the rash of .net passport problems is another. I have heard time and time again MSN Internet Access horror stories, and I am sick and tired of people feeling helpless in the face of Microsoft simply because of the size of the company and the ease they seem to ''always get away with murder''.

This is my feeling on the subject, and I do NOT want Microsoft giving software to schools, as that has the opposite effect that

people seem to think it has. GIVING software to schools increases the consumer base, and again makes Microsoft net more customers. After all, if you have been using an OS or software suite through school, what will you use when you finally leave said institution?

Thank you.

James Poplar
1330 East 600 South
SLC, UT 84102
1–801–581–0707

MTC–00018372

From: Tietjen, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Richard Tietjen
110 Boston Street
Guilford, CT 06437

MTC–00018373

From: Steve Fry
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please make Microsoft play fair. The settlement currently on the table does not appear to be so. Make them play by the rules—the rest of us have to.

Steve Fry
ivote@hikingincolorado.org
257 Pearl, #207
Denver, CO 80203
IR3W Web Services
Steve Fry—steve@ir3w.com—720–233–3WWW
Web Site Design, Development, and More!
http://www.ir3w.com

MTC–00018374

From: dusty
To: Microsoft ATR
Date: 1/23/02 3:53pm
Subject: Microsoft Settlement

Greetings.

The proposed settlement, although a step in the right direction, does not meet the needs of the average computer user.

This settlement would allow Microsoft to continue to abuse its monopoly power; essentially allowing it to retaliate against companies that don't provide a copy of Windows with the hardware (a major complaint all through the case). Also, the numerous Microsoft representatives on the oversight committee makes it much more likely that violations of the settlement would go unnoticed or unpunished. This is unacceptable. Please review the terms of the settlement and reach a deal where

Microsoft's anti-competitive practices can be stopped.

Regards,

Dusty O'Connell

''If videogames like Pac-Man affected us when we were kids, we'd all be sitting in darkened rooms, munching magic pills and listening to repetetive electronic music.''
—someone at Nintendo, in response to allegations that video games cause violence in kids

MTC–00018375

From: steve wolff
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Please do not allow the settlement to go through. Its not even just a slap on Microsoft's wrist.

They should pay cash out to the different parties not simply (cheaply) offer MS software and old computers.

I agree that the actual value of the proposed settlement is in the $50 million range not in the $1 Billion range.

thank you

Steven B. Wolff
Sr. VP and CTO
415 883 1500 1711 fax

MTC–00018377

From: LaMaia Cramer
To: Microsoft ATR
Date: 1/23/02 4:22pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has been unfairly tilting the market to their own advantage for countless years. We need to make sure that we level the field.

Additionally, if taxpayer's funds are helping to support code development and research, then the source code should be made freely available to all citizens (and possibly others as well).

Freely available source code will allow the community of American programmers to truly progress, instead of having multiple groups churning away redundant code. It would also allow for a peer-review process which is currently sorely lacking.

-LaMaia Cramer
lamaia@pungent.org

MTC–00018378

From: StewartnLA@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I just wanted to take a moment and urge you NOT to penalize Microsoft for the ''crime'' of successfully competing against rival companies. Our antitrust laws are hopelessly muddled and in my opinion should be done away with completely. While I realize that isn't in your power, you will certainly be sending a message by how you choose to deal with Microsoft. Send the right message: that America believes in free enterprise and letting the market— not the bureaucrats—dictate how successful a company can become.

Sincerely,

Stewart Margolis
842 S. Sycamore Ave.
Los Angeles, CA 90036
CC:activism@moraldefense.com@inetgw

MTC–00018379

From: Allan Jones
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to Microsoft antitrust settlement proposal. After reading the proposal, it is readily apparent that the provisions do not fully address the well-documented past practices of Microsoft; there are no means of redress for those aggrieved.

The proposal simply prohibits Microsoft from executing its predatory practices; this is the antithesis to justice! Please address compensation/repatriation for those who have been wronged by the illegal and preadatory practices of Microsoft.

I fear that the EU will be much more harsh in its assessment of MS practices, and the current DOJ settlement will pale in comparison. What will it say about the effectiveness and impartiality of the USDoJ?

Thank you kindly for your time,

Allan Jones
ajones@austin.rr.com

MTC–00018380

From: Jerry Prather
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

Dear Sirs:

I do not agree with the terms of this settlement. Microsoft has properly been found guilty of being an illegal monopoly and they are to attone by giving away old computers and software that will further lock our children into their monopoly? That hardly sounds like a punishment to me.

I've heard it argued that no damage has been done to consumers. I represent at least one case where damage —has— been done by Microsoft's actions. I was a PC user back in the old DOS days and owned many DOS software packages. When Windows 3.1 came out, I started upgrading my old applications, because I accepted Microsoft's marketing that this was the wave of the future and things would be better. The Windows applications were a disaster compared to the old DOS applications. I'm talking about less stability, slower operation, and altogether a poorer product. I tossed the new stuff and went on using the tried-and-true DOS applications. Hence, I was damaged to the amount of that software by Microsoft.

I next learned about OS/2 (Version 2.1) put out by IBM. As advertised, it was a better DOS than DOS and a better Windows than Windows. Native OS/2 applications were superb in performance. Even in these early days, operating system stability was much better in OS/2 than in Windows. And OS/2 could truly multi-task—a feature I use constantly—and was multi-threaded to boot. (Currently my system reports 28 processes and 136 threads running at the same time.)

But, except for some hard-headed people like me that insist that their operating system deliver speedy, reliable, non-crashing service, OS/2 is hard to find. OS/2 was driven out of the market by Microsoft's pre-load agreements with the major computer manufacturers. Even the small computer shops have been lured into Microsoft's camp by being assured that their sales people and technicians only have to learn one operating system.

How am I hurt by this? First, because of Microsoft's monopoly, it's become uneconomic to develop native software for OS/2. I much prefer native OS/2 software, but I find that I have to program what I want that isn't already available—and once I get it working I have no financial incentive to polish the program for commercial or shareware sale. Secondly, the computer hardware industry has taken to building cheap stuff (Windows printers, Windows modems, etc.) which saps the power of the CPU—and, for the reasons stated above, an OS/2 user can't get drivers for the hardware anyway.

Yes, I've personally been hurt by the Microsoft monopoly and the government should take strong, punitive action against Microsoft.

Sincerely,
Jerauld S. Prather —
Jerry Prather
Virginia Beach, VA
prather@exis.net prather@exis.net q

''Many religions are worth dying for; none are worth killing for.''
—Me, circa 1998

CC:dep(a)drippingwithirony.com,Prather Angela,JackyJH...

MTC–00018381

From: John Endicott
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am vigorously opposed to the proposed Microsoft settlement, mainly because it allows Microsoft to continue the same practices of which they were found guilty. The current proposal does not provide adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of illegally maintaining and extending its monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Sincerely,
John Endicott
453 Detroit St.
Denver, CO 80206

MTC–00018382

From: WH7Chris@aol.com@inetgw
To: Microsoft ATR,president@ whitehouse.gov@inetgw,mac....
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

The Microsoft case is a perfect example of the worst kind of action expected out of Washington.

You take a brilliant young man who has a vision no one else has and you allow him to unleash his talents upon the world. He changes the world in a way no one that was possible. He gives the people of the world a gift that they still cannot properly appreciate. His creations give rise to an ''information superhighway'' that allow people all over the world to do miraculous things. It reminds me of a story of a great architect who has defend his creations against those who use his ideas and then denounce him for those ideas. He utters a line near the end of the story: ''Thousands of years ago, the first man discovered how to make fire. He was probably burned at the stake he had taught his brothers to light.''

What response can we expect from this? If we eliminate the incentive to be successful in this country by punishing the most successful members of our society, then the weakest will not be pulled by the strongest; the able will descend into mediocrity by the weight of the incompetent. This is the grand image we want to project of America? Of course it is not. We've spent every day since September 11 trying to show the world that we will not go gently into the night. We say that we will fight until the battle is won. And yet, our hypocritical government continues to condemn its greatest producers on one hand and then hold them up for the world to see on the other. This kind of dichotomy can only exist in the chimera that is our government. This many headed monster that seeks to engulf us with its growth every passing year cannot be allowed to continue.

Microsoft is a powerful company that does everything it can to perpetuate its dominance. What else is it supposed to do. Do we really want them to simply give handouts to the rest of the computer industry so that they can catch up? There is nothing to stop a small upstart company from coming along and doing what Microsoft itself did twenty years ago. Michael Dell had a vision to dance with the big boys, and he, too, started with nothing but an idea that everyone around him called ridiculous. Does Larry Ellison really need the government's help to defeat Microsoft? If this is true, than who should the government's attack really be focused on?

Chris Owen

MTC–00018383

From: Dan Ritter
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

The proposed settlement is not a useful and appropriate remedy for the problems caused by Microsoft's abuse of monopoly powers.

Specifically, the setlement does nothing to address the needs of software developers who have been forced to work against Microsoft's privileges.

Any effective remedy must remove the barriers which Microsoft erected through unlawful actions.

At a minimum, Microsoft must:
—be required to compete on a fair and level playing field with all other software developers. This requires Microsoft to accurately and completely divulge all Application Programming Interfaces (APIs), Application Binary Interfaces (ABIs) and all document interchange formats and protocols, and to make these specifications public at the same time that any Microsoft product which uses them is released.
—be required to pay a restitutional fine proportionate to the excess profits Microsoft made as a result of their illegal actions.
—be required to pay a punitive fine proportionate to Microsoft's current net worth.
—be ineligible to sell or give any Microsoft software product to any Government entity for a period of time equal to the period of time in which Microsoft committed illegal actions.
—be held on probation for 10 years, during which time any further illegal activity by Microsoft would result in the immediate suspension of Microsoft's corporate charter.

Dan Ritter
Waltham, Massachusetts

MTC–00018384

From: James Green
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Hello,

I would like to make a few comments on the proposed anti-trust settlement with the Microsoft Corporation. I hope you are receiving many other comments on this, so I will keep my comments as brief as possible. I work in the computer industry, and have experience with a wide variety of desktop computer platforms, operating systems and applications. I work for a small software/hardware development company, and have seen the results of Microsoft's monopoly in many degrees.

While I use Microsoft products where appropriate, I have seen many occasions where I have been denied a choice, or a choice was removed from me, due to the so-called ''interoperability'' that Microsoft's products use. This interoperability is in actuality a ''crowbar'' attempt to force users who use one Microsoft application to adopt other Microsoft applications as well. This has been shown in the findings of fact in this anti-trust trial. While I applaud the findings of fact, I am worried about the proposed settlement. There are many reasons for this, which can be found in several well-written articles on the Web. But the most worrying

element for me is that much of the focus is on disclosing Microsoft APIs. There are three problems with this approach:

1. The proposed settlement is too narrowly focused. It leaves many essential APIs undisclosed, and doesn't allow for necessary (and timely) documentation of those that are disclosed. Furthermore, some of these APIs (e.g. Microsoft Java) will soon be discarded by Microsoft in favor of newer technologies (e.g. .NET) which aren't covered by the settlement. It is likely Microsoft will simply abandon many of the covered APIs to avoid these restrictions.

2. There are many unreasonable restrictions placed on the use of the APIs. Because the Windows APIs remained licensed (and the patents covering them aren't even disclosed), developers run the risk of unintentionally violating the terms of their license when developing software for other operating systems. This divides the world into Windows developers and non-Windows developers, which is contrary to the intentions of the settlement.

3. Essential file formats remain undocumented, forcing users wishing to share documents to use the same application. This is perhaps the biggest crowbar in Microsoft's arsenal from a user's standpoint. I myself have found it necessary to purchase Microsoft products I did not wish to use, merely because I needed the ability to open files created by others.

Thank you for your time. I hope my opinion is of some use.

James Green

James Green Sophisticated Circuits, Inc.
jamesg@sophisticated.com

http://www.sophisticated.com

MTC–00018385

From: Kerry Kruempelstaedter
To: Microsoft ATR
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft is a bad idea and hope that better efforts are made to find a solution that will be good for consumers.

-kk-

MTC–00018386

From: Nick Silberstein
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

To Whom It May Concern,

I'm opposed to the settlement with Microsoft as it currently stands. I believe it let's Microsoft ''off the hook'' and fails to either 1) Remedy past problems brought on by Microsoft's monopolistic abuse, and 2) Protect either a)consumers, or b)the rest of the computer industry, from future abuse by Microsoft.

Microsoft must be made to see the error of their ways. The consistent arrogance they have displayed at every opportunity when their monopolistic and intimidating business practices are called into question makes it clear that Microsoft has NOT learned their lesson. Please do your part to ensure the continued health and growth of the technology and software industries by reining in a company bent on total domination with a proven track record of squashing promising companies like Netscape.

Sincerely,

Nick Silberstein

MTC–00018387

From: ralphtheraccoon
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

i think the proposed settlement is a bad idea.

MTC–00018388

From: Kelly G. Price
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

I feel the proposed settlement has far too many loopholes and will be an ineffective remedy for Microsoft Corporation's misdeeds. A better settlement would require Microsoft to fully document and publish in a timely manner their system interface calls and file formats and allow other companies, organizations, and individuals to freely use these documents to write software which is compatible with Microsoft's products.

Kelly Price

MTC–00018389

From: keith frost
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

If they are going to be allowed to act as a utillity company then they need to be regulated like one. ALL the API need to be opened up, and they're OS needs to be tested for conformity (against what they publish) the same way the water company gets tested for quality.

better yet just have the federal governmet exercise Eminent Domain and take control of MS. it'd be great for reducing taxes.

phrostie

Oh I have slipped the surly bonds of DOS and danced the skies on Linux silvered wings.

http://pfrostie.freeservers.com/cad-tastrafy/

http://www.freelists.org/webpage/cad-linux/

MTC–00018390

From: Michael Percy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

To Whom It May Concern,

I believe the proposed Microsoft settlement does not adequately address the concerns layed out by Judge Jackson or the Appeals court for eliminating Microsoft's anti-competitive behavior in the marketplace. The largest issue that stands out in my mind is that the settlement failed to address the growing issue of Open Source Software (OSS) competition for Microsoft. Microsoft's licensing terms include clauses for prohibiting the installation of OSS by ISVs and OEMs, as well as the use of Microsoft's Software Development Kits (SDKs) to develop software with an Open Source License. Moreover, Microsoft punishes those who install a competing Operating System (OS), such as Linux, in addition to or instead of a Microsoft OS.

Microsoft considers its OEM licenses (which enforce the above) a ''trade secret'' and is not required to disclose the details of those licenses. The proposed settlement does nothing to address any the above issues, especially as they apply to small or local OEMs. If this behavior continues, the court has not done its job in assuring an end to Microsoft's anti-competitive behavior.

Regards,

Michael Percy

San Ramon, CA

Software Engineer, Portera Systems

Campbell, CA

(I do not speak on behalf of my employer)

MTC–00018391

From: Mike Perik
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

I would like to express my disapproval of the Proposed Final Judgment for the Microsoft settlement. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft -Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. -Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

-Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

I also disagree with the proposal of Microsoft donating Microsoft products to schools this only helps them lock out competitors. They should be required to donate money that can be used for the purchase of any vendors hardware and/or software for a solution that best fits the needs of the school.

Sincerely,

Michael Perik, Batavia, Illinois; Software Engineer

MTC–00018392

From: johnjulian1@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

To Whom it may Concern,

I am not in favor of the current Microsoft settlement. Microsoft destroyed many of the computer companies I purchased software from such as RoseSoft.

The current settlement does nothing to remedy the past illegal behavior of Microsoft.

John Julian

1101 Newberry Rd

Milford, MI 48380

MTC–00018393

From: Jason Swartz
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

Hello,

I'm writing about the proposed settlement for the Microsoft antitrust case, in accordance with the Tunney act. The proposed settlement is far too lenient on Microsoft, and should be re-evaluated. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

Thanks,

—Jason Swartz

MTC–00018394

From: DJ Hagberg
To: Microsoft ATR
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

The current settlement as proposed by the US Department of Justice and Microsoft at best is ineffectual and at worst grants Microsoft power to pursue its monopoly in even more aggressive ways. It must NOT be accepted in its current state—severe behavioral or structural remedies are warranted.

With the current settlement, Microsoft is free to pursue lock-in contracts with computer vendors, withhold documentation on protocols critical for interoperability with free software (under the guise of a vague ''security-critical'' term), expand their Internet Service Provider business, MSN, to the exclusion of non-Microsoft operating systems, and expand their customer lock-in through the Passport system. This remedy also gives NO rights to one of the most viable alternatives to Microsoft's lock in—the Open Source and Free Software organizations responsible for the creation of Linux, Apache, and SAMBA. As a matter of fact, these organizations are *explicitly* excluded in section III(J)(2). In fact this settlement gives Microsoft more power to exclude free and open software from their market. The proposed settlement is no rememdy. This must be changed. My recommendations would include:

- Ceding control of /all/ Microsoft Office file formats to an open, *royalty-free* standards body such as W3C.

- Ceding control of /all/ Microsoft networking protocols and related network data formats to an open, *royalty-free* standards body such as W3C.

- The above file formats and networking standards shall be available on-line on Microsoft's website, accessible by any standards-compliant web browser, unencumbered by registration, royalty, or other protection clauses.

- Regular, independent standards-compliance reviews of Microsoft products against the publically-available standards. The above regulations leave the software field open to competition, on platforms other than Windows, and provide a competitive marketplace and a standards-compliant base upon which both free and commercial can compete for customer's mindshare and wallets.

Thank you for your time,

D. J. Hagberg, Jr.
Software Engineer
Millibits Consulting
3265 McClure Drive
Erie CO 80516
Ph. 303 926–6918
dhagberg@millibits.com

MTC–00018395

From: Matt Weaver
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft%20Settlement

This settlement is no good.

-Matt

MTC–00018396

From: Greg Martin
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

Hello,

This letter is my set of comments about the proposed settlement as part of the Tunney Act comment process.

FUNDAMENTAL PROBLEM

The fundamental problem with the settlement is that Microsoft is completely out of control abusing its market monopoly, engaging in repeated and clear practices of product tying by using its monopoly position in operating systems to destroy other markets and eliminate competition, and the settlement does nothing to address this.

At a fundamental level Microsoft has grossly overstepped the bounds appropriate for an operating system product, and has been for several years the single biggest anti-competitive force in the computer industry.

WHAT IS AN OPERATING SYSTEM?

The crux of Microsoft's abuses involves overstepping the definition of an operating system; I suggest this definition: ''An operating system abstracts computer hardware and provides a consistent interface for application programs to utilize.'' An operation system enables applications. A more generous definition of the operating system could perhaps be expanded to include ''the minimal set of utilities required to maintain the computer hardware.''

THE BLOODY TRAIL

A casual reading of the trade press for the past 10 years reveals numerous companies devastated by Microsoft's decision to include successful ''applications'' in its ''operation system'', effectively destroying the markets in the process and eliminating future competition.

Examples of destroyed markets:

1) File managers
2) Disk defragmentation
3) Disk compression
4) WWW browser
5) E-Mail clients
6) Media players (currently being destroyed)

The first three examples could perhaps be covered by the minimal set of utilities to maintain the computer hardware, although there are considerations of a competitive market for computer hardware maintenance utilities.

The last three examples are most could not appropriate for an operating system.

A REPEATED PATTERN

Microsoft has consistently followed the pattern of defining API's (which is a valid function of an operating system and is pro-competitive) and then bundling ''free'' applications which destroy markets (not a valid function of an operating system and intentionally anti-competitive). Furthermore, having both control over the operating system and early access to this information for application development gives Microsoft an unfair advantage over competitive applications that simpley can't be overcome. All talk of a ''Chinese wall'' separating the operating system development and application development is joke that not even Microsoft bothers to tell any more. This situation is grossly anti-competitive.

FALSE BENEFITS

Microsoft justifies bundling in terms of consumer benefit; consumers do benefit to some degree in the short term by getting applications for free.

However, in the long run consumers are hurt because:

1) Markets are destroyed
2) Competition is stifled
3) Choice is removed

Furthermore, every ''free'' application given to the consumer is fundamentally illegal because it represents monopoly product tying; applications should not be in the operating system (see definition above).

WWW BROWSER EXAMPLE

Microsoft claims Internet Explorer is a fundamental part of the operating system that can't be removed and still have a functional product. The company may have constucted its product in such a way that this is true; however, it still represents illegal tying of application and operation system.

Microsoft is free to define API's to include in its operating system, which it did liberally in its drive to embrace the Internet. API's fall into the consistent interface for application programs, and are pro-competitive. However, as soon as Microsoft bundles an application to take advantage of the API's the line is crossed and the behavior becomes anti-competitive. Applications and operating systems are separate products, and should not be mixed in an anti-competitive way.

VOLUME LICENSES

One abuse of monopoly power that was not even mentioned during the trial was clauses in volume licenses that explicitly prevent dual-installation of another operating system co-existent with the Microsoft operating system. This is a gross and particularly glaring abuse of monopoly power designed to stifle competition.

FAILURES OF THE SETTLEMENT

The settlement fails in numerous ways:

1) Microsoft has grossly overstepped the bounds of an operating system and repeatedly and illegally tied applications to

its operatin system; the settlement does nothing to address this fundamental transgression.

2) Microsoft's behavior has been grossly anti-competitive, severely abusing its monopoly market power; the settlement does nothing to address this.

3) Microsoft has illegally destroyed numerous markets and illegally stifled competition in methodical and repeated ways; numerous companies have suffered or been destroyed, unknown others have been been intimidated out of markets or prevents from forming in the first place, and the entire competitive landscape of the computer industry has been negatively affected by Microsoft's actions; yet the settlement contains no punitive actions against Microsoft.

4) The settlement does not go far enough in curbing Microsoft's monopoly power in dictating terms in business dealings such as volume licensing deals.

PERSONAL OPINION OF A YOUNG AMERICAN

My personal opinion is that the settlement is a bad joke. It sends the message that if you are a successful company somehow perceived as beneficial to the country then you can run roughshod over the law consistenly and methodically and still escape punishment. The settlement represents behavior of the government that disillusions young Americans. I hope the Department of Justice will reconsider this ill-advised settlement and take actions to restore fair competition to the computer industry.

Greg Martin
gamartin@shout.net

MTC–00018397

From: Rik Gran
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.com
Renata Hesse
Trial Attorney
Suite 1200 Antitrust Division,
Department of Justice
601 D Street NW
Washington, DC 20530
From: Richard Gran
6310 60th Ave NE #101
Seattle, WA 98115
gran@physics.umn.edu
Wednesday, January 23, 2002

I am writing with comments on the proposed Microsoft settlement. I am concerned that the settlement reached by Microsoft and the Department of Justice is neither a sufficient punishment for the illegal practices uncovered in trial, nor adequate compensation to the victims of those practices such as myself, nor does it provide a good remedy that will prevent further illegal actions by Microsoft. I am sure that the public comments will generate many different views on the proposed settlement and possible remedies. I will confine my comments here mostly to things that have impacted me personally. Looking at how I use computers, I can see the explicit negative effects that Microsoft's illegally maintained monopoly has had on my work.

I have two points I would like to make. First, the monoply that Mircosoft has built and maintained through illegal actions has had direct, and negative effects on my work. Since I am unable to personally recover damages from those ill effects, I expect that the courts will act very strongly to punish Microsoft, and to aggresively find ways to prevent further damage. The second point is that any agreement that allows Microsoft to continue with the practices it has used over the last ten years will likely seriously affect and delay innovation in software development in the future, as it has in the past decade.

Section one: The effects on my work

I work as a physics researcher doing experimental high energy physics. Currently, I am a graduate student at the University of Minnesota. My research is supported by a Department of Energy grant, and my studies are partly supported by the State of Minnesota. In the course of my work I do a lot of computer programming for my data analysis, and also use the computer to write my thesis.

Practically none of the work I do involves any product designed by Microsoft. Almost all the programming I do and applications I use are done on one of several flavors of UNIX (Compaq's Digital Unix and GNU/Linux). By itself, this is not very interesting. A different, non Microsoft Windows, system happens to be appropriate for my work. But Microsoft's illegally maintained monopoly on the Windows and Office market has prevented some applications that should have been available to me on UNIX systems from being available. By this, I don't mean ''should'' in principle, but several companies have made efforts to produce software that runs on multiple platforms, and have failed.

One primary example is Microsoft Office, the dominant office suite. For writing a Ph.D. thesis or doing serious numerical calculations, MS Office is an inappropriate choice. But for simple letters, and for small spreadsheet calculations, these are excellent tools. We are all aware of this, practically everyone who uses a computer has used a word processor or spreadsheet. Microsoft used to have several competitors in this category, and over the last 10 years all but two seemed to have died away. Of those, one (Corel's WordPerfect) made an effort to provide their product for Unix machines. Only recently have a couple new products appeared which might soon fill this gap. And these are products that have been standard on Windows and Macintosh machines for over ten years. There is no technical reason why it has taken so long, it is simply because the companies'' inability to overcome Microsoft's monopoly has prevented them from extending their product line to where I work. The cost to me is lost time, the inability to use documents from people who use Microsoft Office, and the need to purchase a different, separate computer to run these programs.

To further this example, my wife also works in scientific research. She has worked on Unix machines and with other non-Microsoft products before, though not as extensively or as totally as I do. When a federal grant gave her enough money to upgrade the computer she uses for daily work, she chose to get one with Windows installed, even though she will still require a different computer for other tasks. The reason is because she felt she needed immediate access to Word and Excel, even though these items are only half of her work. Again, these are products that the computer industry would almost certainly have provided if it hadn't been for Microsoft's illegal practices.

My point: if Microsoft had not illegally maintained its monopoly, these common, ubiquitous computing products would have been available for this other, non-Microsoft operating system before now, and one or more companies would be still thriving businesses and good employers because they offered it for Unix or other operating systems. My work would be faster, less expensive, and more effective, and it would have cost less to the Department of Energy and the State of Minnesota, as well as to me personally: thousands of dollars and thousands of hours for just one worker.

Example number two. For many years Microsoft has illegally prevented computer hardware makers from installing an alternate operating system on the hardware if they had an OEM agreement with Microsoft. The main publicly known example of this is BeOS, though I don't think the DoJ formally investigated this prior to its anti-trust suit, and judging by the settlement, they are probably not investigating this now. There is no technical reason why two operating systems could not be present on one machine; indeed, in the past four years several alternate OS's such as Sun's SPARC, GNU/Linux, and the late BeOS appeared and run on the same hardware that Windows uses. If computer manufacturers had been allowed to install one or more of these along with Windows, a wider group of people might have tried and used them, more useful programs might be available for them. If one or more of them offered important benefits that Windows didn't offer, they likely would have attracted a wide following, at least among users who would benefit. In my case, the GNU/Linux system is very similar to the Unix systems that I had been using all along for my research.

My point: if Microsoft had not illegally maintained its monopoly, these alternative ways of using a computer might have been more easily available to a wider group of users. Those alternatives that were actually better than Windows, at least for some uses, would be widely available today. The jungle of computer operating systems and applications and uses would be much more diverse, much richer than it is today. Furthermore, software makers would develop programs, applications, and tools in such a way that they run on more than one type of computer or operating system.

Section two: The effect on the software industry as a whole I would like to reiterate and extent this last point, with one important conclusion. In the past couple years, several alternatives to Microsoft Windows and Microsoft Office and other web browsing and multimedia applications have appeared and are challenging Microsoft in its primary market. Some of these products appeared

before Microsoft made one of their own, while some came later. Some offer the same functionality while some offer more. In a marketplace free from an abusive monopoly, these products would compete on their own merits and on their ability to interact well with other programs. In the case of an abusive monopolist, they are denied equal access to the consumers and to information to make them interact with other programs, in particular they can not enter the market of the monopolist. It is very telling that the most successful path to competing with Microsoft has come from the ''Open Source'' community. Products such as GNU/Linux, Sun's StarOffice, the Apache webserver, Samba, and several initiatives by IBM are all developed in a not for profit way. These individuals and companies are in some cases are hoping for an indirect profit by selling hardware, or service, or something else, but these basic foundations are available for free or for very low cost. This strategy is working, so far, because Microsoft uses illegal monetary incentives to suppress competition, and these products are substantially immune to those efforts.

Had Microsoft simply been an accidental or legal monopoly, it would have a wider variety of successful competitors. Apparently, the most successful way of competing with an abusive monopolist is to offer products that are immune to the illegal financial-based actions of that monopolist. In effect, the competing products must be nearly free to customers. The fact that we see exactly this kind of competition, and the fact that we are seeing it from companies that are otherwise very profit-oriented (such as Sun and IBM) strongly suggests that Microsoft's illegal monopoly has had a substantial and ongoing effect on the software business, beyond what an ordinary monopoly would have.

The field of computers, software, and information technology is rapidly changing. There are new ideas appearing all the time, and older ideas and programs evolve and improve. If allowed to flourish, many of these new ideas will be commonplace in just a few years. As indicated here, and in the case presented by the DoJ in the anti-trust trial, and through many other examples, Microsoft has acted illegally to prevent individuals and companies from competing against its own products, and today's computing existence is poorer because of it.

If the proposed settlement is not made stronger, or if a much stronger remedy is not put into place, then only one group of individuals and companies will be able to compete: those that are able to offer their products substantially for free. This seems an unfair choice, because it limits software production to huge companies with other non-software products, or to individuals who have absolutely no motivation for profit. While both these groups are wonderful in themselves, the bulk of innovation in American business has come from individuals and companies in between: small start-ups, people who start a company out of their garage or basement, medium sized companies who can quickly respond to the changing needs of a small, select market. The result will be unnecessary lost time and greater expense for people who use software to accomplish real things, like scientific research, running a business, searching for information, and everything else that we use computers for.

Section three: Changes to the settlement and other possible remedies The strongest possible remedy, of course, is one that would dissolve Microsoft and its assets. Presumably, their cash could go to the government and be put into education or something to help the next generation of software developers. Microsoft's program code could then be put into the public domain, and different companies can compete to offer improvements to it, or take things from it for use in their own products, thus distributing it to all takers. This probably would cause a little turmoil, but would in the long term (and short term, remember how quick innovation in computers can be) be very good for everybody. Even a lesser remedy of breaking apart the company into separate units does not seem unreasonable, if it is well considered. But assuming that these very strong remedies are deemed too much, here are ways of improving the proposed settlement instead.

The proposed settlement is inadequate on several counts. The remedy should include a large monetary penalty, on the order of the billions of dollars companies and individuals have lost trying to compete against Microsoft's unfair practices, or the billions of dollars individuals have lost in productivity because the market could not accomodate their needs efficenly. This amount must also be this large, because if it is not a substantial portion of Microsoft's tens of billions of dollars of illegally gained cash reserves, then it is not really a punishment, nor does it deter other potential abusive monopolies (or Microsoft itself) from further illegal activities. At the very least, the federal governemnt itself is owed much of this money, as in my case, a Department of Energy researcher. I estimate several thousands of dollars in computer equipment and time could have been spent on other things in my case alone. Whether a monetary penalty can also be extracted for the benefit of individuals and companies that have also suffered, and how that benefit should be redistributed to them, should also be more fully explored. The remedy needs to include an independent group to monitor Microsoft to make sure that their illegal activities do not continue, and possibly to investigate all the forms that these activities took. This group needs to have the influence and power to immediately act if they uncover problems, not just a powerless series of recommendations. Because of the enormous pace of software innovation, a delay of six months in enforcement is uncomfortably long, a delay of more than a year is unacceptable. Very strong powers should be explicitly granted to such a committee.

The ideas in the settlement about opening up API's and pieces of code to allow other programs to work correctly with Microsoft's programs is a good one, but someone needs to carefully look for and close loopholes in the agreement (or make sure that a different remedy does not have such loopholes) that might permit Microsoft from not fully complying. In light of their illegal pratices, no aspect of how their products interface with other programs or a users data, should be hidden from any programmer or potential competitor, whether they are part of a for-profit company, or an open source developer. There must be no exeptions, either for what information is available or who gets it. As written, the settlement includes many unnecessary or dangerous exclusions. In principle, this is a purely punitive measure; an ordinary company would be allowed to choose what parts of the inner workings and interfaces of its products should be available to collaborators or competitors. Historically, many have chosen to make much of this information available in hopes of gathering many independent devolpers to extend and improve their product.

In the case of an illegal monopolist, there is no gain to be had by sharing this information Thus, this is an important part of the solution, and its details need to be as strong as possible. It has been reported that the law allows for such punitive measures to be applied, even in the sometimes murky area of intellectual property, patents, and copyright, when a crime has been committed, as it has in this case.

Thank you for your attention.

Richard Gran

Richard Gran gran@physics.umn.edu http://www.hep.umn.edu/gran or use

Richard.Gran@alumni.carleton.edu

MTC–00018398

From: Stephen Kemler
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to offer my opinion that the proposed anti-trust settlement that Microsoft Corporation has reached with a number of Plaintiffs in this case is grossly ineffective. As a network administrator at a private corporation, I am forced on a continual basis to deal with issues caused by inferior Microsoft products that we are forced to use because they are so wide spread. This proposed settlement will do little to nothing to resolve the real issues in this case, and Microsoft will continue to act in ways that make competition impossible.

Thank you,

Stephen Kemler

Cleveland, Ohio

Network Administrator

MTC–00018399

From: Michael Rybarski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

The proposed settlement is a step in the right direction but it is shortsighted with it's remedies to stop Microsoft's illegal practices. Two major flaws are: easy to circumvent definitions of compliance and lack of regulations in regard to Restrictive License Terms. I do not think that the settlement will fix the Microsoft's illegal practices and I do not support it.

Michael Rybarski

Network Manager

Shell Vacations, LLC

Northbrook, IL

MTC–00018400

From: bcronin@ICSI.Berkeley.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has proven its bad faith many times in the past. Conduct remedies will only play into its hands. Stronger measures must be taken.

Beau Cronin

MTC–00018401

From: tjackson@ichips.intel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the Proposed Final Judgement (PFJ) in the Microsoft anti-trust case will not truly fulfill its purpose. The PFJ contains misleading and overly narrow definitions and provisions. These narrow definitions provide large loopholes Microsoft will be able to exploit to continue their anticompetitive practices.

It also fails to prohibit intentional incompatibilities historically used by Microsoft. This will be used again and again to prevent new products from being able to compete in the software domain. It was used with DOS, and will likely be used again against Linux-based applications.

I hope that you will at the very least re-work the PFJ so that it covers the loopholes people have already found. Without doing that, Microsoft will have free reign to do what it has historically done in the past, and the antitrust case will have only been a waste of my money (as a tax payer).

sincerely,
TJ
Trey Jackson
tjackson@ichips.intel.com

''Life isn't too short, it's that you're dead for so long.''
— No Fear

MTC–00018402

From: WolfWings/Rhenthar/Mneumenth/etc
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

I have serious problems with the suggested settlement as currently published. Many of the terms have been defined so narrowly that Microsoft could well avoid the supposed restrictions entirely.

The failure to require advanced notification of possibly drastic changes in the Windows operation system structure and design also makes the supposed ''restrictions'' which require disclosure of API's and other information to allow compatable software to be written for much of the operating system allows Microsoft to use their ''current'' system, and publish information on it, while designing a secondary, incompatable system, and suddenly releasing it as the ''final version'' and breaking all the existing middleware. This again, defeats the entire purpose of the settlement restrictions.

The fact that patents are not properly addressed is another problem I have with the settlement as published. The failure to require disclosure at the very least of which patents apply to the Windows Operation System, removes any use of any ''compatability'' information, because implementing it, could end up being illegal due to patent infringement.

I'm sure you've recieved many well-worded, and much longer-winded comments about the settlement, but these are the two largest problems I have with it currently. Thank you for taking the time to read this.

Sincerely,
Christopher Armstrong
3741 Keystone Ave. #5
Culver City, CA 90034

MTC–00018403

From: goofy1432@goofy1432.dhs.org@inetgw
To: Microsoft ATR
Date: 1/23/02 3:53pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00018404

From: Scott Thatcher
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my oposition to the current proposed settlement in the Microsoft antitrust case. The settlement does not do enough to punish Microsoft for its past disregard for the law, and it does not do enough to make sure Microsoft does not repeat the business practices that have already caused so much harm to others in the computer industry.

Sincerely,
Scott Thatcher
215 S. Florence
Kirksville, MO 63501
thatcher@truman.edu

MTC–00018405

From: Joe Schwartz
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

It is in my opinion that the proposed settlement is no more than another slap on the wrist that will be ignored by Microsoft. if you are looking for a true solution, the Microsoft Windows sourcecode should be placed in the public domain, so that true competition in the software industry can be achived on a level playing field.

MTC–00018406

From: kurta@spk.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I think that the proposed settlement is a terrible abrogation of justice. I am joining the Kegel petition (http://www.kegel.com/remedy/letter.html) and am sending this directly to you as an individual input.

Thank you,
Kurt
Kurt Andersen <kurta@spk.agilent.com>
(509) 921–3792

Disclaimer: This is my personal opinion and does not represent any opinion that may or may not be held by my employer.

MTC–00018407

From: Dave Mitchell
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement.

While I don't have the time to list out the number of reasons I believe the settlement with Mircosoft is not as complete as I think it should be, I believe, based on the information I have read, including many of the suggested readings for the case, that the current settlement with Microsoft does not realy punnish them. Please reconsider the settlement, and strengthen the final judgement.

My basic complaint: I don't think the current judgement is in the best interest of the overall public.

Thank you for your time.
David Mitchell

MTC–00018408

From: Frank Cox
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: I'm opposed to the settlement

As a long-time computer hobbyist and amateur programmer (I have been playing with computers for about 25 years now) I am strongly opposed to the proposed settlement in the US v Microsoft antitrust case.

Microsoft has gone from ''one more software company'' to THE software company, and this is not healthy for an industry which is as fast-growing and innovative as the computer industry should be. I say that it should be fast-growing and innovative, but unfortunately Microsoft's view is that anything that is bad for Microsoft is bad for the industry and this is not the case. Many promising technologies and companies have come and gone because Microsoft either bought them out to make them disappear or ''cut off their air supply'' in the infamous words of the Netscape trial.

Microsoft in its current form is bad for the future of the computer industry in the USA and throughout the world. This proposed settlement is bad for the future of the computer industry as it will simply give Microsoft a pass to continue to squash anyone who looks like a competitor. How many companies have not brought a new innovation forward simply because ''if we do, Microsoft will kill us''? We will never know the answer to that question.

I am not a US citizen. I am Canadian. However, I hope that my comment will be taken into consideration because the computer industry is world-wide and Microsoft's influence is (unfortunately) worldwide as well.

Frank Cox
Melville, Saskatchewan
Canada

MTC–00018409

From: Tom Field
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I don't believe that the proposed settlement is harsh enough. Microsoft was knowlingly engaged in unethical and illegal activity and needs to be controlled.

MTC–00018410

From: Randy McLaughlin
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a software developer with over 20 years'' experience, and as the owner of a small software business, I'd like to comment, pursuant to the Tunney Act, on the Proposed Final Judgment in United States v. Microsoft. The proposed settlement attempts to impose restrictions on Microsoft in order to limit Microsoft's ability to engage in further monopolistic practices. The settlement can be expected to fail to provide effective remedy. It strikes me that the situation is similar to the ongoing race between those who write software viruses and those who are trying to protect our computer systems against them. A vulnerability is discovered and a number viruses are released exploiting the vulnerability. Security experts discover the virus and rush to find ways to stop the spread of the virus and to eliminate the vulnerability. Unfortunately, the virus authors have a head start. If they are able to release a strong enough virus it will be able to cause significant damage and massively reproduce before being detected. Even more time is needed and more infections occur before effective countermeasures can be developed and distributed. Meanwhile other people throughout the world are busy looking for new vulnerabilities to exploit and new ways to propagate and cause damage.

The proposed settlement attempts to identify ways in which Microsoft can be regulated based upon today's software and practices. But software is dynamic. Today's software is different than software written five years ago. Many key technologies have developed during that short time. For example, during that time Microsoft has developed the .NET platform and has reoriented the architecture of its products around that platform. We can expect that trend to continue. Indeed, the proposed settlement provides incentive to Microsoft to come up with new technologies and new procedures that allow it to get around the limitations imposed by the proposed settlement. If the settlement requires disclosure of APIs on a given date, Microsoft will have incentive to redefine the interface between its products so that the interface falls outside the definition of ''API''. They will also have incentive to be sure that the APIs change to include new or modified services shortly after disclosure.

The proposed settlement establishes a situation similar to one where a team of security experts is brought together to build software that will detect and disable all known viruses as of a given date and then go home assured that there will be no more outbreaks in the next five years. The proposed settlement assumes that a Technical Committee of three people could keep up with all the changes made by the thousands of Microsoft employees. Might we also assume that a small committee with no power to take action would similarly provide protection against any new viruses that crop up, despite the efforts of the experts to plug the known vulnerabilities? Anyone with any experience in the field would know that there is no way to know or to fix all the vulnerabilities, nor to anticipate all possible attacks. While the team was working and after they went home others would be continuing looking for new ways to cause mayhem.

The proposed settlement establishes a framework and invites Microsoft to turn its massive corporate resources toward finding a way to get around the framework. Effective action is needed to terminate the illegal monopoly, deny Microsoft the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future. The proposed settlement can be expected to be totally ineffective. Any solution must be as nimble as the monopolist and in light of past monopolistic practice, must truly enable the competition.

Randy McLaughlin
Red Wing, Minnesota

MTC–00018411

From: Jay Zimmermann
To: Microsoft ATR
Date: 1/23/02 4:01pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed anti-trust settlement is a bad idea and fails to address the issues at hand. I respectfully request that it be reconsidered.

Thank you.
Jay Zimmermann
Oakland, California
510–261–8509

MTC–00018412

From: Barry King
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement TWMC:

The remedy is far too little, too late. Microsoft's lucrative practices of strongarming ISVs and OEMs are far less important for the future than what it plans to do with distributed component such as those it plans to base the company on using C# and .NET. These future products have not been addressed by the remedy, but are merely continuations of a code base which has been used by Microsoft to maintain a stranglehold over innovation and commerce, directly harming the U.S. public by providing shoddy, insecure software at an egregious total cost of ownership. Because these initiatives have no name at this point, more emphasis must be placed on intellectual property principles and less on specific product. Intercompatibility is the principle which must be upheld, not niggling issues of bundling and product licensing of such-and-such version of Windows or Internet Explorer. Either Microsoft must be forced to use public standards of process intercommunication or it must be forced to show the exact behavior of the software it releases to developers. As defined in the remedy, a documented API is not broad enough for this issue. Complete APIs must be disclosed, including implementation and optimization issues.

However, enforcement of this will be impossible given the scale of the task. With hundreds of components being built in new ways and platforms than can be predicted in specific terms, there is no way that this remedy will address the monopolistic practices Microsoft WILL perform in the future. The remedy will be unenforceable given the role of the TC as outlined by the remedy, no matter how many consultants the TC can hire on Microsoft's dollar. Even if the TC does the job perfectly, it will not fix what is broken at Microsoft: the company's total lack of commitment to quality and responsibility.

Furthermore, by restricting the access to Microsoft source code to the TC (and, presumeably the TC's staff) no means are given by which open-source programmers can ensure their code has not been stolen by Microsoft in violation of the licensing agreements. The courts are not prepared to handle this sort of dispute, and no open-source (or for that matter, closed-source) competitor can afford to go against Microsoft in court. A way outside of the court system must be found to solve this problem, and this remedy is not it.

In the end, the court has two choices to properly settle this. Either convert substantial amounts of Microsoft's Intellectual Property to the public domain as de-facto standards or force the company to rework its products to function well on competitor's operating systems, specifically those competing operating systems most used by the U.S. public, namely Linux and Mac OS.

Signed,
Barrington King
Co-Founder
Wyrdwright, LLC

MTC–00018413

From: Thom Felton
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

As it now stands I believe that the settlement is not a punishment to MS and in fact will enhance their monopoly and enhance the likelihood of their abusing their monopoly position.

Thom Felton, Ph.D.

MTC–00018414

From: Fromhold-Treu, Rene
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

Dear Madam/Sir,

I am writing in response to the DOJ's announcement to settle with Microsoft in the Department's long-running anti-trust suit.

There are many reasons why this settlement is a terrible idea (please see http://www.kegel.com/remedy/ for more arguments about it), but my primary concern is that in its current form, the settlement will essentially put MS in the same position it was a couple of years ago: under scrutiny by some third-party (at that time, I believe it was the DOJ) that can protest actions by MS, but that does not have the ability to impose any

fines that have any sort of impact on MS. And, just as it has always happened in the past, MS will use every available opportunity to strengthen its grip on the personal desktop, as well as data processing in general.

The only way to prevent MS from strangling the computing market is to separate its OS (including its .NET initiative) from its other products. In its current form, the settlement will only weaken the American software industry, not strengthen it.

Rene Fromhold-Treu
660 Tyrella Avenue, Apt 7
Mountain View, CA 94043

MTC–00018415

From: Tyler Johnson
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

Dear Friends,

I would like like to comment on the Proposed Final Judgment in United States v. Microsoft.

As a software engineer with 10 years of experience programming web and middleware applications, I feel that the Proposed Final Judgment: a) completely fails to address the underlying conditions that caused the action in the first place; and b) reflects a naivete of the technical issues at hand by the parties negotiating the settlement. Because the Proposed Final Judgment focuses on specifics, for example narrow definitions of product classes (i.e. ''middleware'') and even naming product release numbers and product names, the settlement guarantees that by the time the settlement is signed and approved by all relevant parties it will be out of date. Simply put, the computer industry moves far faster than the legal and policy world where these negotiation are taking place.Thus, the approach taken in the Proposed Final Judgment is fundamentally flawed and should be abandoned. Instead of defining specifics the settlement should stick to generic definitions of software types and business practices . The will prevent Microsoft form simply renumbering and/or renaming products to escape complying with the Proposed Final Judgment. In particular such a settlement that Microsoft provide full and complete documentation of all file formats, APIs, networking and storage protocols, etc.

Thank you for you attention in this matter. I hope you take my request to completely scrap the current Proposed Final Judgment and genera;l approach taken in defining the settlement seriously.

Tyler Johnson
Mill Valley, California
tylerjoh@pacbell.net

MTC–00018416

From: Joshua Bernstein
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

Hello,

As a strong follower of the digital age and as a student who is betting his life on competition in the marketplace to suceed in life, I hearby would like to stat that I feel the proposed Microsoft Settlement is simply a poor choice for the Country. Futhermore, such a settlement would force the computing industry to ''suffer the slings and arrows of an outrages corporation.''

Thank you for your time and considering in reguard to my feelings

-Joshua Bernstein
Undergrad Sophmore in Computer Engineering
Systems Administrator
College of Engineering and Mines
Unversity of Arizona, Tucson Arizona

MTC–00018417

From: julesa
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

I would like to object to the proposed final judgement in the Microsoft antitrust case. I believe the proposed settlement falls far short of punishing Microsoft for their illegal past behavior, and will fail to prevent illegal behavior in the future.

The judgement does not mention anything about limiting Microsoft's behavior in regard to newer products such as the Xbox and .Net technologies. It has been established that Microsoft has repeatedly abused its power upon gaining a significant share of a given market. Microsoft will attempt to extend its monopoly into home entertainment systems and Internet commerce technologies. I believe the settlement must address Microsoft's behavior in these areas.

Because they have significantly overcharged consumers for their products for several years now, they have a large war chest which will give them the resources to outcompete other players in any market they choose to focus on. How do you remedy that? It's a tough question, but simply placing limits on what Microsoft can do with specific products, especially just their older ones, is surely insufficient. They will simply develop new products (perhaps using ideas from old ones) which don't fall under the judgement's restrictions.

A revised judgement should include an effective enforcement mechanism, unlike the proposed final judgement. It should require that Microsoft publish the specifications to file format standards such as Word, Excel, and Powerpoint documents, and allow anyone to write a program that can read these formats. That would allow consumers to use whatever product they like to communicate with each other. It should limit what Microsoft can do in ANY market, not just markets in which they have already crushed the competition illegally. Thank you for your time.

Jules Agee
System Administrator
Pacific Coast Feather Co.
Student, Computing and Software Systems
University of Washington
julesa@pcf.com
8202 382nd Ave SE
Snoqualmie, WA 98065

MTC–00018418

From: Jason Sharpee
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

To whom it may concern,

I recently lost a bid on a service contract with a company, because Microsoft consulting services were able to ''sweeten the deal'' by providing ''courtesy'' licensing of their products along with their services. That does not put me on an even playing field to compete in my market, because Microsoft is willingly leveraging their other dominant markets to gain the advantage in the services industry. This, in my opinion, is the definition of a corporate monopoly.

I do not see the purposed settlement addressing these and many other issues I have, and I consequently disagree with it.

Jason Sharpee
Network Engineer, Tambra Technologies
7401 N. Pierron Rd.
Glendale, WI 53209
jasons@tambra.com

MTC–00018419

From: Luke Miller
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

I am very concerned that Microsoft is continuing to use its monopoly to stifle innovation and competition.

There is an application barrier level for all programmers and competing companies that forces a company to write products that run on the dominant OS. In this case that is MS Windows. This gives MS an incredible advantage and places it on a level with the road network, the electricity grid and other essential services. Sadly, MS has used this power to restrict fair entry for other companies, such as Netscape, Real Networks, Java (a programming language), Dr Dos. The ''Court's Findings of Fact'' in the previous civil case against Microsoft section III, B is the most relevant. As a Software Engineer I can assure you that because of its scale, Microsoft IS the playing field, however, it is anything but fair.

Luke Miller

MTC–00018420

From: Johnson, Brian E
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:04pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in response to the call for public comments on the proposed settlement between the Department of Justice and nine states and the Microsoft Corporation.

I have used Microsoft products at work for the past twelve years. The company that I work for has spent hundreds of millions of dollars upgrading software to keep up with Microsoft's current offerings. There is no difference in my productivity now versus ten years ago with three or four generation older equipment. In fact I have had some of the greatest data losses just in the last few months which would have cost my company thousands of dollars had we not had backups stored in a separate location.

My point is that I have not seen one hint of innovation from this company and because of its monopoly, very little innovation in the software market.

In order to restore serious competition we need a serious settlement, not a slap on the wrist.

The following link contains a proposal that I fully support: http://www.kegel.com/remedy/remedy2.html We desperately need to restore competition in this country or the rest of the world will do it for us! What brand of car do you drive?

Sincerely,
Brian Johnson
7702 19th Ave NE
Seattle WA 98115
Flight Test S&C Analysis
206–655–5727 M/S 14–KF

MTC–00018421

From: misuba
To: Microsoft ATR
Date: 1/23/02 4:03pm
Subject: Microsoft Settlement

The proposed settlement fails to require Microsoft to release the specifications for the format of Office documents, which are rapidly becoming a lingua franca and are one of MS'' most powerful tools for breaking open standards. Stated more specifically, no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ?39).

I think the proposed settlement is far too lenient, full of loopholes like this one, and leaves Microsoft with the power and money to make even more egregious anticompetitive moves, and get away with it. It's a bad idea.

Thanks for your time,
Mike Sugarbaker
Epistemological Remodeling
misuba@gibberish.com
http://www.gibberish.com/

MTC–00018422

From: Clifton Bullard
To: Microsoft ATR
Date: 1/23/02 4:04pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Per the conditions of the Tulley Act, I wish to register a comment against the current proposed settlement with the Microsoft Corporation. While I think many of the measures indicate good intentions on the part of those drawing up the settlement, in its current state the settlement will serve little purpose except to be a token gesture in the general direction of the problems it was meant to solve.

In the interest of brevity, I will not go into specifics concerning the legion of shortcomings the current settlement contains. Suffice to say that it is my earnest and heartfelt opinion that a great deal more work needs to be done before this settlement would actually be capable of reaching its stated goals.

Sincerely,
J. Clifton Bullard
Computer Programmer
United States Postal Service
Memphis, TN

MTC–00018423

From: David Bishop
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

The proposed settelment *is* a bad idea, as it is not only a travesty of justice (how many millions of $$'s spent getting a guilty conviction, to settle for a wrist slap?), but basically tells Microsoft that they can do whatever they want, as there no rule of law, at least not one that applies to them.

And no, this is not a form letter, nor did I cut and paste any of it.

''What? In riddles?'' said Gandalf. ''No! For I was talking aloud to myself. A habit of the old: they choose the wisest person present to speak to; the long explanations needed by the young are wearying.''—''Lord of the Rings'', JRR Tolkien. dbishop@micron.com

MTC–00018424

From: Thomas Humphrey
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: No to Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well- intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Thomas Humphrey 9630 Keeler Ave.
Skokie, IL 60076

MTC–00018425

From: J. Hess
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

In my opinion the proposed settlement is a bad idea, because it fails to address the full scope Microsoft's anticompetitive practices, the remedy is so specific to Microsoft's current software product that it will soon be obsoleted in many respects, Restrictions Microsoft is allowed to place on providing information required to use their software and operating system APIs and the generous allowances they are made such as using their own MSDN network (A Microsoft product) rather than an independent party to handle the distribution of information render the remedies useless for encouraging competition or discouraging their practices. Moreover, the proposed settlement doesn't seem to have any significant enforcement device—as they reached this point, clearly it's necessary.

The proposed settlement looks like a ''Get out of jail free card'' for Microsoft and the remedy appears to be mostly non-substantive. —James Hess

MTC–00018426

From: Adam Bender
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I firmly believe that the Proposed Final Judgement in the Department of Justice's Anti-trust case against Microsoft is nothing more than a slap on the wrist. Microsoft has for years engaged in anti-competitive, and often illegal, business practices, they have used their position as an undisputed monopoly of operating systems and software to produce sub-mediocre software that compromises the security and productivity of the United States government and private citizens, and cares about nothing more than increasing its profits at the cost of bearing any resemblance to an institution with a conscience. However, I would like to point out a specific problem with the PFJ. It makes no provisions to stop Microsoft's strangle-hold on OEM computer manufacturers with regards to the operating systems that are installed on new PC's. A customer seeking to buy a computer without a Windows operating system (OS) will have to search very hard to find one, because Microsoft will not license Windows to any PC manufacturer that sells any PC without that OS. Therefore, if that same company also wanted to sell computers with Windows, it would have to pay much more for it, and thus would be driven out of business from competitors who comply with Microsoft's demands.

I believe that any and all measures to eliminate the death grip that Microsoft has on our country should be enforced

Thank you,
Adam Bender
abender@andrew.cmu.edu
www.andrew.cmu.edu/abender

MTC–00018427

From: Justin Guerin
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

Hello,

My name is Justin Guerin, and I work at Atmel Corp. in Colorado Springs. I am a product engineer, and I work with computers a lot. I am very interested in the Microsoft trial, and feel compelled to comment on what I think is a bad idea: the proposed final judgment, in its current form. The main point to remember is that Microsoft should not be allowed to retain the benefits of its illegal actions. Any settlement should also insure that Microsoft cannot continue to act illegally.

Thank you,
Justin Guerin
Product Engineer

Atmel Corp.

MTC–00018428

From: Peter Low
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I am a consultant with a strategy consulting firm, primarily serving high technology companies. On reviewing the Proposed Final Judgement in United States v. Microsoft (PFJ), I strongly believe that the PFJ is an ineffective remedy for Microsoft's unlawful conduct. My first major concern is that the language of the PFJ provides opportunities for Microsoft to continue its activities, even while conforming to the letter of the agreement. My second major concern is that the PFJ does not provide coverage for non-commercial software developers—a potentially significant source of innovation and competition. I urge that the PFJ not be accepted as is.

Thank you for your consideration,
Peter Low

Note: the above opinions are my own, and are not meant to represent my company.

MTC–00018429

From: James T Perkins
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I disagree that the proposed settlement is adequate. James

James Perkins
james@loowit.net
http://loowit.net/james

True love comes quietly, without banners or flashing lights. If you hear bells, get your ears checked.—Erich Segal

MTC–00018430

From: Jay R.
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I think the proposed settlement is bad. Redhat's offer to provide the operating system would be an improvement

MTC–00018431

From: Edd Hillman
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

The actions in the US have far reaching effects around the globe. Please make the right decisions.

Edd Hillman
59a gray St.
Lochee
Dundee
Scotland

MTC–00018432

From: Matthew G. Saroff
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

I believe that this settlement with Microsoft is inadequate. I believe that any behavioral remedy must prior require government approval, rather than rejection after the fact, of any Microsoft actions.

My preferred solution is a structural solution. —

Matthew G. Saroff, E.I.T.
3702 Labyrinth Road
Baltimore, MD 21215
Telephone: (410)585–1508
E-mail: msaroff@pobox.com

MTC–00018433

From: Andra Medea
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

Dear Sir or Madam—

I am a software technician who works with both Microsoft and non-Microsoft products. Please, please do not miss this chance to stop the Microsoft monopoly before it gets any larger.

Computers are central to our economy. Already my small business customers are being forced into decisions that they do not want to make, because of Microsoft's strong-arm tactics. This isn't an issue for software companies, but for any business customer that uses a computer. That means nearly everyone in business.

You must be under considerable pressure to back down. We need you to carry through on this.—

Andra Medea

MTC–00018434

From: Milnes
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I would like to voice my displeasure with the performance of the U.S. Dept. of Justice in its case against Microsoft. I cant imagine that you would let Microsoft supply ''low income schools'' with computers with they're operating system and software installed on it. As a parent of two I am unhappy with our local school districts decision to use Microsoft products exclusively. No doubt their decision was based in large part by Bill Gate's grants (bribes) to help purchase the software in the first place. It now forces me, as a parent to go out and purchase Microsoft products for my computers at home so that my kid's homework will be compatible with ''Microsoft Word 2000'' format. Also the school district has to expend a considerable amount of resources to keep all the licenses up to date on there thousands of machines.

As you can see, ''giving'' low income schools ''Microsoft products'' will result in more financial hardship as the schools will have to pay licensing fees to Microsoft to keep the systems current and the parents in these schools will be compelled to bye Microsoft products for the home. Not much of a punishment for a company accused of running a monopoly. This will just ensure more future customers.

The best alternative I have heard so far is the one proposed by RedHat inc., maker of an open source operating system. Let Microsoft spend all there fines in buying just the hardware for the schools and take Red Hat up on there offer of providing, free of charge (including future updates) the operating system and technical support for these ''low income schools''.

David B. Foster
3814 Levitt St
Bellingham WA 98226

MTC–00018435

From: Panthera Altaica
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. It just tells Microsoft to keep abuseing it's monopoly while makeing it sound like it's doing something else.

MTC–00018436

From: rcg@wt.bc.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft settlement—please restrict Microsoft from excluding ''free software''

Without long explanations, I am concerned about Microsoft's licensing restrictions that exclude all other operating systems. Microsoft have effectively excluded developers who use Microsoft development products from writing software that could be run on non-Windows systems (i.e. Linux+WINE). This, in effect, extends MS's OS to include all applications written for it. Since Microsoft also maintains market dominance in development suites (because of it use of undocumented OS API calls to its monopoly OS), Microsoft has a means (when combined with the licence distribution agreement) to effectively restrict Microsoft developers to Windows only products. Additionally, even developers using non-microsoft development products could inadvertently violate the MS distribution agreement if they buy and include components from other venders in their product.

For example: Suppose I want to write a spreadsheet program that will run on both Windows and Linux. In order to avoid any licence concerns I use Borland's development suite, Delphi. I also purchase a ''Excel import filter'' from ABC company and use it in my product. I would be unaware if ABC company created the component I purchased with a Microsoft development suite. Thus, I could be violating MS's distribution agreement. Additionally, MS can use the ''redistribution agreement'' to restrict services to only those running their operating systems. (See, MSNBC's download restrictions..)

Finally, there remains concern over patent infringement for Windows compatible operating systems. In order to avoid patent infringement, any company or person needs to know the what patents he/she could be violating. It would seem reasonable that clone operating system makers should be able to have access to the list patents that Microsoft holds in relation to its operating system. Without this the threat of a possible lawsuit from Microsoft (I hear that they are very difficult to deal with in court) could scare off financial investment and thus virtually eliminate competition on the

desktop. Please take note of the finding of fact in regard to what makes a viable operating system alternative.

In order to effectively protect the consumer, any agreement needs not only to address the past concerns but to provide guidelines that protect the future. When this court case began, there was no viable alternative to Windows, but today it appears that soon there will be. Microsoft has realized this and has been taking measures to eliminate it. In my opinion, the proposed agreement falls short of protecting consumers from Microsoft's business practices and thus having a choice of operating systems in the future.

Please consider my comments in you deliberations. Freedom is choice: fair and equal choice.

Richard Giroux

Network Engineer

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MTC–00018437

From: John Stewart
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a very bad idea. Dan Kegel, whose petition I signed, outlines many of the problems in great detail, but I wanted to add one example specific to my own experience. I have spent the last three years working for two different start-ups here in Seattle. It is rare for a week to go by without someone saying ''Well, let's hope Microsoft doesn't do X, ''cause if they do there goes that part of our business.'' This company is so huge, with so many resources, and such a vast scope of what ''fits'' into Windows, that no one is safe from them. I work with dedicated, talented programmers and testers, with years of experience in the field. We have chosen, in some cases with a related loss of income, to work for anyone other than Microsoft, because of our concerns with what they are doing to computing, and to preserve some choice for consumers and businesses in the world of software.

All that said, we all worry any time we hear something new from across the lake. We never know what they will decide to implement next that will take away our ability to exist. You can be better than Microsoft technically, but you can't compete with ''free,'' and no one else has their brand name and marketing budget. As long as Microsoft has the freedom to break the rules with impunity, the marketplace of ideas in terms of computer software will suffer. Even if Windows continues to dominate the desktop, which seems highly likely, at the very least it would be nice if people other than Microsoft's applications developers had an honest shot at selling product and making a go of things.

Thank you very much for your time.

Sincerely,

John Stewart √ NetMotion Wireless
john.stewart@nmwco.com

MTC–00018438

From: Mijo
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

I think the proposed settlement is very bad idea.

Mike Dean, Software Engineer
Cleveland, OH

MTC–00018439

From: hamkins@mail.earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

I am disappointed in the proposed settlement with Microsoft. The findings of fact starkly demonstrate how anti-consumer Microsoft has been, but this settlement does virtually nothing to halt these anti-competitive practices, or to punish them for all these previous acts. At a minimum, the API's need to be opened up, and security vulnerabilities should be required to be made public. The break-up ruling still seems much more fair than any other solution I've seen.

——Jon Hamkins

MTC–00018440

From: Redman
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

The settlement is clearly not in the public's interest. I've listed some of the key problems below: The proposed settlement:

(1) does not prevent Microsoft from bundling application software into its operating system. Illegal bundling and tying practices are not in the proposed settlement.

2) relies too heavily on equipment manufacturers to promote more competition.

3) does not cover the new generation of applications. Since the settlement applies only to products that were in use from 1995–98, it won't stop Microsoft from repeating anti-competitive practices with current and future products. By simply re-packaging old software, they can continue past practices.

(4) lets Microsoft decide which products are part of the Windows operating system and which are applications. Many Microsoft applications have been integrated into the OS in the past, blocking competitive applications, and the proposed settlement will still allow this.

(5) gives Microsoft control over many enforcement decisions, essentially putting them charge of the keys to the safe!

(6) would not require Microsoft to comply with computer industry standards, or prevent the company from undermining or altering standards, even when the intent is to deliberately deceive competitors.

(7) would allow Microsoft to disable competitive software products, effectively sabotaging any competition. Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

D.A. Dederick Future Software

MTC–00018441

From: Colin
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

I've been following this trial very closely, and I believe the settlement, as it stands, is either a farce or a travesty. And I think it's too serious to be a farce. It's time to once again remind the disillusioned citizenry that this country does not have a price tag. Money CANNOT be given this much power, or I dread the future I will be consigning my children or grandchildren to.

The road to megacorpocracy is paved with tiny little stones; please, reject this settlement for the sake of our children. Colin Knox—cknox@tamu.edu Fightin'' Texas Aggie Class of 2002

MTC–00018442

From: TC
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgment in United States v. Microsoft. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. There are many more reason why the PFJ is a flawed settlement, but I leave the fixing to another round. Just as long as this judgment, as it stands today, does not see the light of day.

—TC

MTC–00018443

From: Caleb Mardini
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Proposed Microsoft Settlement

As a citizen of the United States, and as a member of the business community, I fear that the proposed settlement in For the Microsoft antitrust case is inadequate. The proposed settlement does not represent the best interests of US citizens. It does not prevent Microsoft from stifling innovation. Microsoft's monopoly status has hurt productivity and innovation in this country, and worldwide. Dan Kegel, Los Angeles, Software Engineer, Ralph Nader and James Love of the Consumer Project on Technology, have all shown that the proposed settlement does has problems that must be addressed in order for an effective and just settlement to be reached.

Caleb Mardini Registered Voter
Bellevue, WA
WhyNotOwn.com
606 120th Ave NE
Bellevue, WA 98005
Thank you,
Caleb Mardini
caleb@ynotown.com

Office: 425–586–7290
Cell: 206–240–6547

MTC–00018444

From: Stephen Satchell
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

Ms. Hesse,

Attached are my public comments regarding the Revised Proposed Final Judgement in US v Microsoft, Civil Action No. 98–1232.

A paper copy will arrive via Federal Express in the next couple of days. If you have any questions, please use this electronic mail address to write.

Stephen Satchell
Incline Village, NV
CC: microsoft.atr@usdoc.gov@inetgw
PO Box 6900
Incline Village, NV 89450–6900
January 23, 2001
Renata B. Hesse, Trial Attorney
Suite 1200
Antitrust Division
United States Dept. of Justice
601 D. Street NW
Washington, DC 20530–0001

1. Commenter is submitting to you this public comment in the matter of the proposed settlement in District of Columbia in United States v. Microsoft Corporation, Civil Action No. 98–1232.

2. This comment is written in response to the information published Wednesday November 28, 2001, in the **Federal Register**, Vol 66, No. 229, on pages 59452–59476 inclusive. This comment is being delivered by electronic mail to the electronic mail address specified in the Federal Register, ''microsoft.atr@usdoc.gov'', and to the electronic mail address specified on the Department of Justice website, ''microsoft.atr@usdoj.gov'', before the sixty-day deadline of Friday January 25, 2002.

3. Commenter Satchell has been a professional software and system developer since 1971, and a professional writer of non-fiction magazine articles about the computer industry and its products since 1984. He has fulfilled a number of roles during his 30-year career: programmer, architect, project manager, software test manager, quality assurance test programmer, benchmark writer, product reviewer for publication, and magazine technical editor. During his career he has been a voting member of the Association for Computing Machinery (ACM) and an associate member of the Institute of Electrical and Electronic Engineering (IEEE). For virtually all of his professional career, his work on software and system products, product components, and documents and articles has been for resale or for general publication.

4. Commenter Satchell is not a lawyer, nor has he received any legal training. This Comment was composed by Commenter exclusively, with no input or review by any lawyer or paralegal. Therefore, Commenter assumes that the contents of this Comment will be interpreted by the reader(s) according to non-legal English language usage.

5. In the context of this comment, the term'' refer to the Revised Proposed Final Judgment submitted to the Court on November 6, 2001, and reprinted in the **Federal Register**, Vol. 66, No. 229, starting in column 2 of page 59453; the term ''CIS'' shall refer to the Competitive Impact Statement submitted to the Court on November 15, 2001 and reprinted in the **Federal Register**, Vol 66, No. 229, starting in column 1 of page 59460.

A. Summary of Comments

6. The Commenter believes that the RPFJ as published does meet the needs for a suitable remedy according to the letter of the original Complaint, the Findings of Fact, and the Conclusions of Law (as amended by the Appeals Court)

7. The RPFJ falls short in several areas in serving the public interest as required by the Tunney Act in 15 U.S.C. 16(e)(2).

8. The RPFJ does not meet the public interest requirement of 15 USC 16(e)(2) by failing to define the scope of the remedy to cover all portions of the software marketplace as it existed in 1999, as it exists today, and as it is reasonably expected to exist over the life of the RPFJ.

9. This failure to include the entirety of the software marketplace leads directly to an explicit narrowing of choice available to the consumer of software products to those products produced by commercial enterprises, of Defendant-mandated size and structure to have standing (as defined in the RPFJ) in any complaint of violation, and in some cases that meet Defendant-imposed requirements on business structure and success.

10. The original Complaint, filed by the United States, limits its discussion of the software marketplace to a subset of that marketplace, the large-company commercial sector. There is no substantive discussion, recognition, or consideration of the alternative commercial sector, the cooperative sector, the in-house sector, and the non-commercial sector of the software marketplace in the original Complaint.

11. Unlike virtually every other product marketplace in the United States, the computer software marketplace has significant segments that sell, rent, lease, or license software products for consideration other than money. This marketplace segment has a long history dating back to the 1950s, when computers were first introduced into the economy. The distribution of software without the direct exchange of money is still commonplace today. In some cases, the exchange is by barter, however informal. In other cases, the exchange is without any commitment on the part of the receiver in any way; at the extreme, software is put into the public domain, to be used by anyone in any way without limitation. The RPFJ specifically excludes this segment of the market from consideration and protection from violations by the Defendant.

12. The development of software products by software cooperatives has a long and distinguished history. Products produced co-operatively continue to increase in market share. Although I have not seen a ''code of guiding principles'' for software cooperatives published in the cooperative-software community, the guidelines published by the National Rural Electric Cooperative Association are astonishing parallel to the long-held and well-developed principles that guide software cooperatives. See the Web page <http://www.nreca.org/coops/special.html> for the seven guiding principles espoused by NRECA. The RPFJ specifically excludes software cooperatives from consideration and protection from violations by the Defendant.

13. The software marketplace includes software products developed by or on behalf of a single corporation or company (including those not directly involved in computers or software sales in any way) exclusively for its internal use; the intent of such software product development is to enhance the competitive stance of the company in the company's marketplace. During the 1950s, 1960s, and 1970s the in-house software product and the custom software market represented the majority of the software marketplace. A good example of such ''in-house'' software product is the software used by insurance companies to capture customer information quickly and calculate the best insurance rate, with a minimum of delay, for that customer. This market segment remains strong today, and yields a measurable revenue benefit for the organization putting such software in place, but because there is no direct link between ''sales'' of the software and profit, the degree of harm is very difficult to calculate. This is another market segment ignored and unprotected by the terms of the RPFJ.

14. The RPFJ as published in the **Federal Register** makes clear that Defendant Microsoft would be permitted to continue to discriminate with regards to API and network protocol disclosures against authors and entities not meeting Defendant-mandated guidelines for business methods, structure, and level of sales.

15. The texture and composition of the software marketplace continue to change and expand at a rapid pace, far faster than traditional commodity or service industries. In particular, there is a growing trend toward locating applications not on end-user computers, but on servers operated by Application Service Providers (ASPs). Microsoft has announced its intentions to enter this market as part of its dot-NET initiative. The RPFJ fails to meet its public interest requirement by not addressing any aspect of this growing trend.

16. The development cycles for software are very, very short. Software products have cradle-to-grave lifetimes that are measured in months, and some classes of software have useful lifetimes that are measured in intervals as short as hours. Time is the enemy of developers, and very few projects go smoothly in the best of circumstances. The RPFJ recognizes this fact to some extent, but the 30-day response time to all complaints of violation injects a delay that can be fatal to a software project.

17. An alternative complaint process is proposed in this Comment. The basis of the proposal is the establishment of a triage system to quickly dispatch the majority of complaints that are trivial to resolve.

18. In addition, the publication of a ''Frequently Voiced Complaint,'' analogous to the ''Frequently Asked Questions'' or FAQ that is a staple of Web sites, would reduce

the number of complaints that would need to be handled individually by Microsoft, the Technical Compliance Committee, and the Plaintiffs, and can serve to eliminate complaints that would otherwise be filed.

19. Commenter does not attribute these failures and shortcomings in the RPFJ to incompetence or connivance on anyone's part. Instead, Commenter recognizes the difficulties the Courts face applying traditional anti-trust law to the software industry. After extensive searching, Commenter has found no anti-trust case in which the affected market has had such a large number of non-commercial and co-operative components as the software industry has.

B. The Original Complaint Fails to Describe the Entire Software Marketplace

20. The term ''software'' is the generic label used by practitioners in the computer industry to refer to programs that are loaded into computers, when required, in order to instruct the computers how to perform a specific task desired by their users. A program is an ordered list of instructions readable by the computer, telling the computer hardware (in conjunction with instructions permanently recorded in the computer—''firmware'') exactly how to accomplish the task desired by the user.

21. A programmer is a person who creates the lists of instructions that comprise a program, and futher determines that the lists of instructions are correct. These lists can be created directly, through intermediate tools that in turn generate lists of instructions, or through interpreters that take lists written in a representation different from that used directly by the computer hardware. Programmers also make extensive use of previously written lists of instruction—program fragments (functions and subroutines)—to reduce the effort of creating a complete list of instructions for the computer.

22. The basic principles of programming are simple enough that many practitioners writing programs today were able to teach themselves how to do it, usually in conjunction with a specific set of tools for writing programs. The costs associated with programming have been low enough for the past 30 years that hobbyists and students of the craft proliferated and continue to proliferate. Many professional practitioners today started out as hobbyists.

23. The history of the computer industry as we know it today is littered with stories about the effects of hobbyists, students, and researchers on the growth and maturing of the industry, far too many to relate here. The interested reader is referred to the book Hackers: Heros of the Computer Revolution by Steven Levy (1984, Doubleday, ISBN 0–385–19195–2) for a full discussion of the impact of the hobbyist on the software industry and the software marketplace; the contents of that book are incorporated into these Comments by reference. This book is now available in paperback.

24. There is a initial investment when entering the software marketplace, although the amount of that investment, large in the 1960s, had dropped to under US$300 today. Some early programmers reduced their initial investment by renting time from others, resulting in significant savings over buying the equipment outright. This rental extends to students using University computer systems (for a lab fee) to learn their craft.

25. The actual process of programming is about as difficult and incrementally expensive as writing an essay or brief (small program) or book (large program).

26. For small utility programs and specialty software sold commercially, the cost of marketing, fulfillment, and technical support exceeds, in some cases by orders of magnitude, the cost of initial creation. In short, distributing a product through the traditional retail channel can incur such high costs that the expense prices the software out of the market. The industry responded by developing alternative means of distribution and compensation, means that eliminated the overhead involved in using a traditional sales channel.

27. Among hobbyists, students, researchers, and in-house programmers, many programs were created and distributed without any monetary compensation. The compensation was in the form of credit, and written credit for the creation of the program and modifications to the programs were distributed as part of the program. This is very much like the practice in academe with regards to published papers. The means of distribution varied based on the product audience. Any money paid for such software covered the cost of the media, the cost of copying of the software to that media (as much as $25 in the 1970s for computer time), and the cost of shipping—also very much like academic paper distribution.

28. Many ''free'' programs were created and given away by commercial concerns, who originally developed these code fragments to solve specific problems, and thought others could make use of the fragments to solve similar problems. Some of this code was copyrighted, with permission to use without royalty but with credit to the author. Some of this code was donated to the public domain.

29. Several telephone-based systems of networks, the Bulletin Board Systems (BBS) and the Unix UUCP network, reduced the cost of distribution still further and enhanced the exchange of programs and program fragments for the ''monetary unit'' of credit, not dollars (or francs or pounds or whatever). The growth of commercial nation-wide bulletin board and messaging services such as CompuServe, The Source, BIX, and Prodigy further decreased distribution costs. The Internet today continues to provide a low-cost means of distributing programs of all kinds.

30. Researchers have created a number of useful programs in support of their research efforts. Many university and research institutions have collected these programs and made them available — usually for the cost of duplicating the software onto a medium such as punched paper tape or magnetic tape, later floppy disks, and today CD-ROMs—for anyone who wants them. Some of these programs have restrictions against commercial sale without proper license. The most notable ''program'' distributed in this way (via magnetic tape, in 1972) was the Unix Operating System, created by Ken Thomson and Dennis Ritchie at Bell Labs in Murray Hill, NJ.

31. The well-established practice of sharing programs without cost gave the early software publishing industry headaches. The time and cost of preparing a program for sale through a traditional distribution channel would cause the publisher to raise the sale price to recoup this cost. The increased price for retail-channel software had an inevitable result given the hobbyist nature of the customer base: for every copy of software sold, there was a good chance that one or more ''pirate'' copies would be made and used by another person.

32. The marketplace developed an alternative to the traditional retail channel. In 1983, PC World Magazine founding editor Andrew Fluegelman wanted to distribute his program ''pc-talk'', a terminal emulator program he developed for the IBM PC, but without the headaches and overhead of dealing with the retail channel. He created a concept he trademarked ''Freeware'', in which users can give Mr. program to friends to try out, and if a friend liked it and continued to use the program that new user would send $15 to Mr. Fluegelman in payment for the program. This led to the creation of an alternative commercial software marketplace generically referred to as ''Shareware''.

33. Large software projects are almost never written by a single person, but instead are written by a group working in coordination. A group of students and researchers at the University of California at Berkeley added networking as we know it today to AT&T's Unix system and distributed it under the name ''Berkeley System Distribution'', or BSD. This development (along with the replacement of AT&T code to eliminate copyright conflicts) later became the core of commercial operating systems, most lately the core of Apple Computer's OS X, as well as the core of freely-distributed version of operating systems.

34. There has been a growing trend in group development of software toward co-operative development of software programs by a number of people unrelated by company affiliation, employment, contract, or even country of citizenship. The ''apache'' Web server program is one such example of a co-operatively developed program, and is very widely deployed on the planet. This trend is the ''software for credit'' market paradigm writ large, but the added benefit for the participants in co-operative software projects is that each participant gets to use the entire package for the ''price'' of contributing to its creation.

35. Co-operative efforts have a significant history, tracing back to before 1985 and the original development of the software used by the CompuServe Information Service. H&R Block sold computer time on its DEC PDP-10 computers to hobbyists using the trade name ''micronet''; a number of the users of that service wrote a messaging system in Fortran to permit them to conduct conversations on H&R Block's computer system. Eventually, H&R Block spun this activity off as a separate business, and handed the maintenance and feature

enhancement of that software to a professional group of programmers.

36. In today's computer environment consisting of millions of computers (PC, Macintosh, and others) in homes, schools, businesses, corporations, and government, people tend to lose sight of the fact that the software marketplace started as a custom craft business. Owners of computers had a team of programmers, operators, and consultants to tend the Great Beast, to teach it the tricks the company wanted, and to wring as much usefulness out of the ''hunk of iron''— especially when the computer cost millions of dollars initially. Even today, there is a very large market consisting of inside-employee programmers and consultants who tailor software products, write ''glue'' programs, and in some cases create entire custom systems to accomplish the same goal; i.e., make the computer work for its owner.

37. The applications provided in the software marketplace cover a wide variety of needs, with some of those needs being so specialized that the number of units that can be distributed into the target market is very small. Target markets measured in thousands of units are common, and target markets numbered in the hundreds, while not common, are by no means unheard of. These smaller markets are important despite their size; just how many oil refineries or nuclear reactors do you think there are, for example, to which to sell specialty monitoring programs?

38. Several government institutions have specific needs for computing. A number of government institutions employ and retain significant numbers of programmers working on projects that provide substantial benefits for the citizens of our country. To name just a few at the Federal level: NSA; NASA; IRS; the Census Bureau; NIST; DoD; and DoJ. These and other federal departments, bureaus and organizations are part of the software marketplace. One example shows how this sector of the marketplace has a large impact on the overall software market: a commercial product, the dBASE data base product, had as its base the ''RETRIEVE'' database system and the follow-on ''VULCAN'' system developed at the Jet Propulsion Laboratory. The release of the dBASE package by Ashton-Tate opened a marketplace for database package on micro-computers that still rages today, even as Ashton-Tate is long gone from the software market arena.

39. It's clear, then, that the software marketplace consists of a wide range of different types of entities, be they companies, organizations, or individuals. These entities may be classified using several different rules. One classification is by business organization: commercial enterprise, internal development department, co-operative, cottage enterprise, consultant, research organization, government, and hobbyist. Another way to classify an organization is by its target market: mass-market, niche market, custom-software market, and not-for-resale (internal use). Finally, the entities can be ranked by revenue or by user (''seat'') counts.

40. A complete list of the players in the software marketplace is far broader than the list that appears to be implied by the description in the original Complaint and reflected in the definitions of Section IV of the RPFJ. In the commercial marketplace, you have at least (a) the commercial developers of operating systems, (b) the commercial mass-market applications providers, (c) the commercial niche-market applications providers, (d) the commercial developers of custom-designed and -developed applications, and (e) the consultant. In the noncommercial marketplace, you have at least (f) the corporate in-house developers who create corporation-specific applications, (g) the hobbyist, (h) the researcher (computer and non-computer), (i) the research organizations (again, computer and non-computer), (j) departments of the United States government (DOD, NIST, NASA, and others) who create specialized software and systems, (k) software cooperatives developing competing operating systems, (1) software co-operatives developing mass-market and niche-market applications, and (m) volunteers developing software for not-for-profit organizations. Also included in the software market are the providers of turnkey systems such as database systems, and embedded-computer products for a wide range of industries. (Your modern furnace, microwave oven, and your automobile all have computers, for example.)

41. At paragraph 61, the original Complaint states ''The first Internet browser widely used by the general public was Netscape Navigator, which was introduced into the market in 1994.'' That is inaccurate. The first web browser made available to the general public was ''lynx'', written by Lou Montulli at the University of Kansas and made available to the public in 1993, and ran on a large number of Unix-based computer systems. The University of Illinois National Center for Supercomputing Applications released the graphical browser ''mosaic'' November 1993; Spyglass, Inc. resold ''mosaic'' in the commercial market starting August 1994. In contrast, Netscape Navigator didn't appear as a product until December 1994.

42. The original Complaint describes only a portion of the software marketplace as it existed in 1999 and is expected to continue to exist during the life of the Final Judgement.

C. The RPFJ Fails to Meet the Public Interest Because It Does Not Serve the Entire Software Market

43. As a consequence of the tunnel vision of the original Complaint and subsequent documents, the RPFJ as published in the **Federal Register** applies only to a portion—not the whole—of the software market as it existed in the year 1999.

44. From the Finding of Fact dated November 5, 1999, comes this definition of ''Operating System'': ''... a software program that controls the allocation and use of computer resources (such as central processing unit time, main memory space, disk space, and input/output channels). The operating system also supports the functions of software programs, called ''applications,'' that perform specific user-oriented tasks.'' (paragraph 2)

45. From the viewpoint of a computer application and its author(s), an operating system is only as good as the set of applications programming interfaces (APIs) it provides to the programs running within the computer in conjunction with that operating system. The development of applications for a particular operating system is vital to the marketability of that operating system. The better the APIs, the better the applications, and the better the applications the more attractive the operating system is to the market. Not just ''commercial applications,'' but all applications.

46. Therefore, the relevant software market that the RPFJ must address is the whole of all entities that write application software, and particularly all entities that write software for the Windows operating system and that interoperate over a network with systems running the Windows operating system.

47. Protections against anti-competitive restraint by a monopoly must be extended to all sources of applications, not just some sources, particularly when the monopoly provider of the operating system also is a provider of applications, as Defendant Microsoft is.

48. Of all the software market players mentioned earlier, only the larger and well-funded commercial developers and applications providers have the resources and the money-based claims of harm to initiate and participate in anti-trust actions against an operating system company using its monopoly power to control the market. Small commercial companies, non-software corporations, universities, most government departments, software cooperatives, and hobbyists don't have the resources (money, legal talent, and situation) to launch an effective action against a monopoly, and in many cases are unable to prove any harm inflicted by illegal activities by the monopoly because of the legal requirements defining ''harm''.

49. Instead of relieving it, the RPFJ exacerbates this situation. Section III(D), taken in concert with the Definitions of the abbreviations used as defined in Section VI, clearly demonstrates that the only measure of participants in the software marketplace is by software sales revenue.

50. Also in the RPFJ, Section III(E) incorporates by reference Section III(I), which permits Microsoft to avoid licensing government, research, and co-operative software enterprises, and particularly those enterprises that don't receive revenue for development or distribution of their software products. As a consequence of the ability to refuse licenses, it is a reasonable inference that disclosure of the APIs and Communications Protocols necessary to interoperate with Windows Operating Systems software could also be withheld.

51. Further to the point, Section III(J)(2) can be used by Microsoft to block disclosure of APIs and communications protocols, required by any development of server software that interoperate with Microsoft Windows Products and provide authentication services to Microsoft Windows Products, by entities unable to pay the royalties and meet the other requirements. This specifically affects software co-operatives, consultants, and researchers. Not only does this result directly

in loss of choice to the consumer, but it can also slow down the pace of advancement of the art in the industry as a whole.

52. By being able to lock out researchers and small developers from effective relief from anti-competitive actions, Microsoft is able to negatively affect independent research into and independent development of improvements in computing on the Windows platform, and the marketing of those improvements to the general public. This places an undue burden on researchers and developers, and serves as a limit to the market and results directly in loss of choice to the consumer.

53. By being able to lock out software co-operatives, government, and hobbyists, Microsoft is able to artificially raise the cost of implementing certain classes of software product to the point that it is economically infeasible for products in those classes to be developed and deployed. This is particularly important given that Microsoft also sells applications as well as operating systems, and, by its withholding critical information on its monopoly product, block the offering of competitive applications. This restraint again results directly in loss of choice to the consumer.

D. The RPFJ Lets Microsoft Continue To Discriminate Against Authors of Application Software and Network Systems

54. The RPFJ is not the result of bad workmanship. Comparison of the RPFJ with other proposed Final Judgements that have been entered over the years shows that this proposal is very much like the other proposals in general—only the details differ. The other judgements examined pertained to commodities (Alcoa), consumer goods (Standard Oil) and integrated services (AT&T). In each of these cases, the cost of entry to the marketplace was substantial for all players, and there was no significant non-monetary component to any of the markets affected by the companies in question.

55. The cost of entry into the applications software marketplace is very low, on the order of the cost of entering the business of auto repair, plumbing contracting, or door-to-door sales franchise.

56. The cost of entry into the operating systems software marketplace, on the other hand, is very high because of the complexity of developing device drivers, resource managers, and applications services that attract applications programmers to develop software.

57. The success of an applications program in competition with similar applications depends on the skill of the author. In particular, the author's understanding and knowledge of the applications program interface (API) of the operating system is crucial to the performance and utility of an applications program to its user.

58. Suppression of information about APIs by the operating system vendor to an applications author, especially the hiding of performance-accelerating APIs, would lead directly to putting that author at a disadvantage to an author that is fully informed.

59. Any discrimination by a monopoly operating system vendor against authors by business method, size, or exclusivity means that customers of software lose choice in applications software for that operating system.

60. The discrimination allowed by the RPFJ against significant participants in the software industry leads directly to limitation of choice for the consumer. It's not enough that the Final Judgment protect large companies against the actions of Microsoft; the Final Judgment needs to protect all providers of applications software for the Windows operating system in order to provide maximum choice for the consumer.

61. The problem of choice restriction is more critical when it comes to network products being able to interoperate with Windows operating systems clients. Companies have not deployed parallel networks for more than two decades, and are not about to do so now—it's too expensive for organizations to install, maintain, and administrate multiple networks in that manner. Therefore each and every node, regardless of hardware or software, needs to be able to function together in order to serve the needs of the customer.

62. Discrimination against certain providers of network implementations means, again, reduced choice for the consumer, and potential network disruption when two mutually antagonistic implementations exist on the same network.

63. The RPFJ lets Microsoft legally discriminate against participants in the marketplace, to continue to do the same actions against some participants in the software marketplace, actions that have been found to be illegal.

64. In the Findings of Fact and in the Conclusion of Law there is no discussion as to the necessity of Microsoft continuing to discriminate against portions of the software industry in order for Microsoft to compete in the marketplace.

E. The RPFJ Does Not Anticipate the Changing Software Market

65. The software marketplace moves very, very quickly, and so any remedy should anticipate likely movements in the software market. It should also take statements made by Defendant in ensuring that any Final Judgment will apply to the software marketplace in the near future, ''near future'' defined as the expected life of the Final Judgement.

66. One change taking place in the software marketplace today is the migration of software from an end user's computer to a network-based synergy between the user's computer and a remote network-connected server, with the software residing on the server. The paradigm of this form of software execution is different from the currently common ''client-server'' configuration: In client-server software, a software package installed on the user's computer is called up and executed, and as required the software package would exchange data with a remote server computer. In the new paradigm, the software is not installed onto the user's computer, but instead is installed on an ''application server'' run by an applications server provider (ASP; not to be confused with ''active server pages''). During the course of running the program, small pieces of the program are transferred to the RAM of the user's computer ''on demand'' and execute on the user's computer. When the user exits from the program, all traces of the program are removed from the user's computer.

67. The details surrounding this trend with respect to Microsoft Windows on both the desktop and on the server, as embodied in its dot-NET XML Web services architecture, are still being developed; the technology is still in its infancy. Section III(F)(ii) of the RPFJ contains language describing a restriction that would, in a strict reading, permit Microsoft to avoid disclosing certain communications protocols between client and server operating system components when the server operating system implements it natively but the client requires that certain software be installed by the user, or even perhaps automatically as an ''update.''

68. Another trend in the software marketplace is the growth of time-based licenses, sometimes referred to as subscriptions. In this model, the user subscribes to use the software for a specific period of time, and renews the subscription when the current one expires. This form of software sale is common for software that changes regularly; a good example is income-tax filing software.

69. The current draft of the RPFJ does not address these known trends in the software market, nor how Defendant is prevented from using its monopoly power inappropriately to block software development with the Windows operating system or interoperability with the Windows operating system.

70. The direct result is that consumers will be able to obtain software products that seamlessly interoperate with Windows operating systems only from Defendant and those companies that meet Defendant's business and success requirements. Again, the consumer is deprived of choice that he or she would otherwise enjoy if an all-inclusive Final Judgment were in place.

F. The RPFJ Does Not Adequately Serve the Software Market's Need for Speedy Resolution of Complaints of Violations

71. The enforcement provisions in Section IV of the RPFJ, along with the commentary in IV(B)(2) of the CIS, shows that the Department of Justice recognizes that the pace of software development is much faster than in the traditional manufacturing sectors, and understand the need for a procedure to permit companies in this fast-paced industry to obtain relief from violations without the delay inherent in a Court-mediated action.

72. The RPFJ, at Section IV(D)(c), states that Microsoft will have 30 days to resolve or reject a complaint. As a matter of practice in professional software development, project schedules are broken down into tasks that can be completed in a small number of days. In multi-person projects, the tasks are highly interdependent, such that a delay in one task being done by one person can severely impact the ability of the software team to complete the project by the deadline—that task, and any complaint of violation associated with the task, quickly becomes a part of the ''critical path'' for the project and a huge risk for the project as a whole.

73. For the non-commercial and low-capitalization developer, the lack of any

avenue úor timely resolution has a more disastrous effect: the developer must work around the lack of information (or the inaccurate information, or the withheld information), must seek the use of another operating system (good luck!), or must give up on the project altogether. Many research projects have a finite amount of time allocated to them, and any hitch in the setting up of a project means the research is not completed. While there is no monetary harm, the non-monetary harm to the public interest can be large indeed—what would happen if a researcher was unable to complete an experiment that would provide a sure cure for cancer?

74. The RPFJ's dispute procedure is too cumbersome for an industry that can produce a usable product in very short time intervals. As an example, Commenter has developed commercial software that, from initial design on a restaurant napkin to first installation, required 120 man-hours and was installed at a customer site eight days from ''go.''

75. This unnecessary opportunity for delay is against the public interest by delaying product completion by smaller companies in the face of violations by Defendant. This takes away consumer choice when two companies (one large, one small) are offering competing applications, and the large company gets to market faster because of the actions of the Defendant.

G. Proposals to Enhance Enforcement Provisions

76. Commenter proposes that a tiered approach may be preferable, designed to minimize the effort on the part of the Technical Committee and on the part of Microsoft. Many complaints will be without merit due to the complainant not understanding the Final Judgment and not understanding the obligations Microsoft has under the Final Judgement. Some will be nuisance complaints, to be disposed of as quickly and as inexpensively as possible. Some complaints will be duplicates of prior complaints, so the same answers can be provided at a considerable savings in time to all. Finally, some complaints (one would hope few in number) will require investigation and negotiation and thus require some time and attention from the Technical Committee and the Microsoft Compliance Officer.

77. The Technical Committee staff and the Microsoft Compliance Officer staff can perform triage on complaints as they are received, said triage being completed quickly and in no case later than 48 hours after receipt of the complaint. In some disclosure violation cases, the matter can be resolved simply and quickly by staff recognizing (by precedent) that Microsoft needs to provide the information required by the Final Judgment to the complainant; this is particularly true of violations that are caused inadvertently, by clerical error, unintended withholding of information due to system or media failures, or obvious misunderstandings by Microsoft employees. In this manner, many complaints can be resolved quickly with a minimum of fuss and delay; done quickly, the complaint can be turned around in hours, not days.

78. The same triage process can also speed the determination whether a particular complaint has no potential merit, weeding out the obvious losers very quickly and with little effort expended, and again eliminating delay for the complainant getting an answer to his problem, even if it's a negative one.

79. Once the complaint has been passed through triage as a complaint with potential merit, the process is as currently described in the RPFJ.

80. Commenter proposes a change in requirements for disclosure. One way to reduce the number of complaints filed is for the Microsoft Compliance Officer to be required to publish a list of ''Frequently Asked Questions'' as part of the Web page described in the RPFJ Section IV(D)(3)(b), based in part on complaints received by the Compliance Officer and based in part by complaints anticipated by Microsoft. The format of the questions and answers is up to the Officer, and subject to review by the Technical Committee and by Plaintiffs for accuracy.

H. Conclusion

81. Any Proposed Final Judgment is a balancing act. The PFJ needs to reflect both the needs of the Defendant to continue to compete effectively in the market, while protecting the industry from inappropriate activity by monopoly participants.

82. The RPFJ achieves the appropriate balance for other large commercial software providers.

83. The RPFJ fails to achieve the appropriate balance when the rest of the software market is considered. The legal discrimination against software providers that do not follow the classic retail software model puts alternative-business-model providers, inside-system developers, and not-for-profit developers at a significant disadvantage.

84. The original Proposed Final Judgment included breaking up Microsoft into multiple companies along functional lines: at least into an operating system company and an applications program company. This option also fails the balance test, in that Microsoft would then be forced to break up its development team, significantly hurting each daughter company's ability to compete. More importantly, the break-up option also suffers from the defect that it would harm the industry as a whole as existing contracts would have to be renegotiated with haste.

85. The Revised Proposed Final Judgment can be better balanced, and as an added benefit simplified, by removing all of the exceptions to the disclosure provisions contained in it. This lets all participants—from single-person programming firms to multi-billion dollar enterprises— enjoy protection, under the modified RPFJ, from inappropriate action by Microsoft. Microsoft's ability to compete on inventions (patents), features, timeliness of delivery, and integration across the product line would not be impaired, and therefore an appropriate balance is maintained between healthy competition and anti-competitive actions.

MTC–00018445

From: Ron Trenka
To: Microsoft ATR
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement

My name is Ron Trenka and I am the Senior Programmer for a web agency. I am sending this in response to the Tunney Act's provision for public comments upon the Microsoft Settlement.

About Browsers

In regards to the argument that ''Microsoft gives its browser (IE) away for free. How does that hurt consumers?'', it is a false statement. IE has code built-in that make is ''work better'' with the Microsoft OS. It encourages the user to work on an MS platform to get the full ''user experience''. It also is not free.. not by a long shot. While the consumer doesn't pay for the browser, the providers do. When I started out at the beginning of the DotCom craze, nearly all the machines serving web pages were Unix/Linux based. Now, nearly all the machines are Microsoft NT based. Why? Its not a price issue. The hardware costs run about the same. Its not the price of software. Webserver software for both Unix and NT are both free (for Unix Apache is the most popular, while IIS is included in the NT platform). It is because the NT platform includes proprietary software that makes IE display pages better and faster.

So Microsoft's dominance expanded into the server market largely by their inclusion of ''free'' software on the consumer platform. Free for the consumer, perhaps, but not for the businesses.

Microsoft also has been guilty of their ''Embrace and Extend'' policy of various software standards, taking open standards and corrupting them into Microsoft-only standards. Java is the most visible of this (and the basis for Microsoft losing the Sun vs. Microsoft lawsuit, for which Microsoft has excluded Java from their OS, effectively killing it), but others exist. As a programmer for the web, I deal with this every day. We must have machines with all versions of Windows and IE, in addition to the other browsers to insure that our clients all see the same things. The cost for this testing must be passed on to our clients. Microsoft continues to receive criticism from the W3C for lack of following the published standards.

The Department of Justice has proposed a settlement that does not address any of these issues. It does not prevent Microsoft from adding more proprietary ''features'' into nor does it stop MS from tying it more tightly to Windows. Nor does it prevent MS from tying other software packages to their OS. It does not prevent MS, for example, making their Office Suite of software part of the OS, effectively locking out other word processors & spreadsheets from Windows (why pay for it when it is ''free''?).

The only really effective way of preventing this is to come up with a definition of an OS and force Microsoft to remove IE from the OS and include it as a separate piece of software that can be installed and removed at the user's choice. There is no reason why they can't continue to include the software with their Windows OS, but they must allow computer vendors to include other browsers (such as Mozilla or Opera). They must also acknowledge that it is software and not part of Windows (or any OS), treat it accordingly and prevent tying in the future.

About Security

Over a billion dollars last year was spent to fix security holes in computers running Microsoft's OS. A billion dollars. Microsoft's response? ''We'll get it right next time.'' No liability for their obvious (and admitted) repeated mistakes (the same security hole that was in 95 was released in 98, then 2000 and now in XP..). No recourse for businesses but to hire large IT staffs to keep up with the numerous patches and hot fixes that Microsoft continuously releases. And yet people with Windows are still constantly victims of virus attacks. Microsoft needs to be held liable for these lapses that the world is constantly paying for. The DOJ settlement proposal addresses none of this.

About Innovation

As found in the Finding of Facts, Microsoft has constantly been an opponent of innovation, contrary to their self-proclamations. If someone comes out with a software or idea that threatens Microsoft's ''vision of the world'', they browbeat, threaten, purchase or ''embrace and extend'' the idea out of existence. Look at WebTV. A couple of years ago, they were an up and coming company allowing consumers to browse the web on their TV set without the need for a computer. Microsoft purchased them and now where are they? Another threat gone. The DOJ Settlement does not address this. Other companies cannot compete with Microsoft as they do not have access to the Windows APIs. The DOJ Settlement touches on this, however the loopholes are so large as to be able to drive a truck through. All Microsoft need to do is claim a ''security concern'' and they can refuse to divulge the API. Given Mr. Gates recent memo to Microsoft employee to make security their #1 priority, I view this loophole with a great amount of suspicion.

In Conclusion

In general, the DOJ's settlement doesn't address any of the things that Microsoft was found in violation of; releases Microsoft from liabilities for their actions; and does nothing to prevent Microsoft from continuing those same actions in the future. I urge you to reject the settlement in favor of something more stringent.

Thank you for your time;
Ron Trenka
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MTC–00018446

From: Stefano.Santoro@nokia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

I truly believe that the language of the settlement is riddled with exclusions and exceptions that renders all state setlement intents null. I agree with my state, the commonwealth of Massachusetts, in its decision to not settle.

Stefano Santoro
Messaging Architect
Nokia Mobile Products/Application Gateways
5 Wayside Rd
Burlington, MA 01803
Home Address:
510 Dale St
North Andover, MA 01845

MTC–00018447

From: Brent Fulgham
To: Microsoft ATR
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to express my strong disagreement with the terms of the proposed Microsoft settlement. I have watched this story (in its various iterations) for the last several years, and have become increasingly concerned with the power Microsoft holds over the computer industry, and the lack of oversight or meaningful controls placed on them.

The main problem with the settlement is that is so narrowly crafted with respect to the meaning of API's, middleware, and other terms, that it is effectively meaningless. To craft legislation that requries Microsoft to allow a competing Java middleware layer, when Microsoft has advertised its intention to move everything to ''.NET'' is a good example of the poor thought that went into this document. This would be analogous to a car company agreeing that ''all cars must permit the 9-track tape player to be replaced with a competing 9-track tape player'', when the company is already shipping vehicles with cassette tape players.

In short, the current settlement is fatally flawed in its intent to regulate Microsoft's behavior with respect to system integrators, software developers, and end-users. Please revise this document to strengthen the protections.

Best regards,
Brent Fulgham
3737 Paloma Drive
Ventura, CA 93003

MTC–00018448

From: James Douma
To: Microsoft ATR
Date: 1/23/02 4:21pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. It does not deny Microsoft the fruits of their past misdeeds. It does not contain restrictions on their future actions sufficient to encourage Microsoft not to repeat their misdeeds.

Darin James Douma
41 Hidden Valley Rd
Monrovia, CA 91016

MTC–00018449

From: Tom Eisenman
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: comment on proposed final judgement

As a professional programmer, I would like to comment on the proposed final judgement in the Microsoft anti-trust lawsuit. Over the past ten years or so, Microsoft has used its monopoly in the operating systems market to lock out competition in business software and programmers software. It wasn't so long ago that Lotus sold the leading spreadsheet, Borland sold the leading programming language software, Word Perfect had the best selling word processor, Netscape had the biggest market share in Web browsers, dBase sold the most spreadsheets, Qualcomm Eudora was the most popular email, and so on. How did Microsoft effectively eliminate all of these competitors, all of whom had seemingly insurmountable head starts? They have done this by a variety of anti-competitive practices that have now been judged to be illegal. It has taken years for the judicial system to reach this conclusion and all during this time Microsoft has continued to exploit its monopoly position. Now the proposed final judgement fails to split Microsoft's operating system and applications businesses. The company will surely find ways to evade the letter of any restrictions placed on it while continuing to monopolize all aspects of the computer business. The proposed final judgement is too soft on Microsoft.

Tom Eisenman
Applications Analyst
Student Information Systems
Office of Information technologies
A253 Lederle GRC
University of Massachusetts Amherst
740 North Pleasant Street
Amherst, MA 01003–9306
phone: (413) 577–3036

MTC–00018450

From: scleary@jerviswebb.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

Dear sir or madam:

I am opposed to the Microsoft settlement. I am a computer programmer, and have been one since 1983. During that time I have seen Microsoft abuse its OS monopoly in several different fields, including browser software.

Thank you for your time,
Stephen Cleary
System Software Engineer
Control Engineering Company
scleary@jerviswebb.com

MTC–00018451

From: don.remsen@philips.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: Microsoft Settlement

Public comment to the Court regarding whether the settlement offered by Administration and some states is in the public interest :

—I am totally disinterested in the case except as a consumer using personal computers at home and work.
—I am not a lawyer, do not work for Microsoft or any of its competitors, do not make decisions about operating system purchases where I work (Philips Semiconductor Division), and have no predisposition about anti-trust laws .
—I believe the entire effort to prosecute Microsoft in the name of supposedly injured consumers was unjustified and destructive. As a consumer, I was never injured and the prospect of being injured

in the future is nil, based on the extraordinarily innovative software industry in the US and abroad.
—As a user/consumer during the entire period August 1981 to today, I experienced the ''bad old days'' of incompatible operating systems and wildly proliferating applications programs. So the standardization resulting from Microsoft's success came as a godsend to me personally and all my colleagues at work.
—Any impartial financial analysis of the costs saved and new business transactions facilitated in the US economy and the world by this standardization would be colossal. Everyone is in their debt. Microsoft's huge revenue and earnings are essentially compensation for this vast benefit , not the ill-gotten gains their competitors claim.
—The parties who orchestrated the entire mistaken prosecution were the competitors.

Therefore I oppose any attempt to make the Settlement terms harsher. The worst result would be a breakup of the company or restriction on Microsoft's freedom to integrate whatever software they think they can sell me. I will judge for myself whether I want to buy and use their integrated products.

Donald S. Remsen
20 Kirby Place
Palo Alto, California
(650)-326–8928

MTC–00018452

From: David—Greene@mapinfo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed settlement terms in the Microsoft antitrust case. I have been involved in computer technical support and programming for a number of years now, mainly on computers running Windows operating systems.

One of my particular concerns is the fact that Microsoft will not be required to disclose key information about its widely-used Microsoft Office file formats and other proprietary file formats. These formats are so widely used in the US business and academic community that they form an important part of the Applications Barrier to Entry (see Findings of Fact 20 and 39). The process of building competing applications—or even applications designed to interface seamlessly with Microsoft Office software!—becomes very difficult if these common formats can not be supported, both for reading and writing.

In general there is no reason for these formats to be proprietary except for the express purpose of raising the Applications Barrier to Entry! A classic Word document, for example, is equivalent to a particular sequence of formatted characters; in many cases (in the absence of Word macros or other application-specific information) it can be mimicked exactly by a Rich Text Format document.

However, if Word crashes or there is a write error on a hard drive changing just a few bytes of a Word file, it is often very difficult to recover even a fraction of the original text and formatting—which can mean a loss to the user of hours or days of work, even though the file is almost completely intact (only a few bytes altered). This problem is basically due to the fact that Word format is obfuscated—it works correctly only when everything is exactly right.

This may not be a deliberate design decision on the part of Microsoft, but in general Word will not read a Word file correctly if there is anything ''suspicious'' about the format. This is exactly what is needed to raise the Applications Barrier to Entry, given that the file format is not published; it would be very difficult to write an application that could read and write Word format flawlessly, without access to Word file format information.

Similar arguments apply to requiring Microsoft to publish —all— relevant information about Windows API functions that developers might need, either to interface with the Windows operating system or to produce other operating systems that run software written for Windows. The Applications Barrier to Entry is unnecessarily raised by withholding this type of information. Making this information available must be part of any appropriate settlement of the Microsoft case.

Thank you for your time and attention.
Dave Greene
Albany, NY

MTC–00018453

From: lorraine snyder
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: I believe the Justice Department needs to settle the Microsoft lawsuit, now.

I believe the Justice Department needs to settle the Microsoft lawsuit, now. This company has been grossly mistreated in this whole case. I am a consumer and I and none of the customers have been injured by Microsoft. There are MANY software companies that charge $395- $895 for their software. I do not see them (pagemaker/Photoshop/Adobe products EVER criticized or brought to the Justice department for THEIR charges! I feel the American people have been fed a lot of untruths and I think it is time the Justice Department stands-up and stops this unfair treatment for an American Company that is out there in the forefront GIVING LIBRARY'S, SCHOOLS and many people the opportunity to learn how to access information on the computers. PLEASE DO NOT JUDGE THEIR MOTIVE FOR DOING GOOD TO THE CITIZENS OF THIS COUNTRY. I WANT THEM TO DONATE COMPUTERS AND SOFTWARE TO SCHOOLS!!! You do not see APPLE, giving away THEIR PROFIT to schools and library's!! Please close this case and HINDER MORE WASTE OF TAXPAYERS WITH MORE WRONGFUL LAWSUITS like Microsoft's ''rival'' Netscape and the MONOPOLY KING of the Century, AMERICA ON-LINE! Here they filed a lawsuit to keep this unjust treatment going! Please close the door to this grossly unfair treatment!

Lorraine Snyder
15018 SE Fairwood Blvd.
Renton, Wa 98058

MTC–00018454

From: Warner Young
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement

As a private citizen, I feel the proposed Microsoft settlement is a very bad idea.

Starting when I used to work in a small company doing DOS-based local area network software, to now when I work in a graphics-related company, I've seen various signs of Microsoft's anti-competitive behavior. These are things I've seen myself, not things mentioned in the news. These are specific pieces of code which had no purpose in and of themselves other than to make life difficult for competitors. The proposed settlement will do nothing to make Microsoft more competitive. At most, I feel it will be equivalent to a slap on the wrist. At the very least, there needs to be stricter, more enforceable punishments for cases where Microsoft steps out of line.

Sincerely,
Warner Young

MTC–00018455

From: Mark Parker
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement

I think that the proposed settlement does not provide enough remedy to the situation created by Microsoft's anti-competitive behavior. I would like to register my dissatisfaction with this settlement.

Mark Parker
Salt Lake City, UT

MTC–00018456

From: mel
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I find the settlement with Microsoft troubling in many ways, for instance section III.A.2 seems specifically to allow the continuation of one of the worst of MS's practises. However rather than criticise the many legal points I suggest that a fine solution could come in the the terms and conditions of the remedy.

Microsoft atoning for past misdeeds by insinuating even more of their software into key positions such as schools and public service institutions is mind boggling. Why not require Microsoft to purchase hardware for these institutions, with open source operating systems and software instead? Perfectly viable alternatives (superior in our view) exist.

MTC–00018457

From: Michael Slass
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to urge you to reject the proposed settlement of the anti-trust suit against Microsoft Corporation. The proposed settlement:

(1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly,

(2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy,

(3) has no provisions directed to Windows XP and other new endeavors of Micro-oft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy,

(4) contains no provision for any punitive damages against a firm which has been found to have illegally abused it's monopoly power, and

(5) provides for an oversight body with so little real power to restrict Microsoft's future behavior, or to react to future trangressions, as to be essentially useless.

Thank you.

Michael Slass

Seattle, WA

MTC–00018458

From: Pitre, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:16pm
Subject: Microsoft Settlement

Dear Sirs,

I am sorry to see the settlement that is being discussed at this time. I personally wished that there would be no settlement for Microsoft and that they would be subject to the judgement of the courts and their own folly. I have read the settlement and a fair number of essays on the matter. Something nags at me every time I read through sections of them. The settlement does not seem to hinder Microsoft in any way that it was before the trial.

Forgive me if my writing seems to be lacking in an understanding of legal issues. But, many of the terms used in this settlement seem to be either lacking a true definition or are only partial in their description of the issues. As pointed out, I'm sure, by professionals with much more experience than I, it would be quite easy for Microsoft to circumvent the restrictions made in this settlement. I have complete faith in Microsoft to try it and I honestly believe that Microsoft will end many of the disputes over this document repeatedly in a courtroom.

Here is a link to one such essay by Dan Kegel: http://www.kegel.com/remedy/remedy2.html I'm sure the author has already submitted this essay to you. He says it far better, and with many years more experience than I could. It's been eight years since I first started working with computers professionally. Every year there seems to be less professionals who aren't cornered by Microsoft products or are left with Microsoft as the only choice in a field of products.

Sincerely,

David Pitre

Senior Application Developer

Idea Integration

Houston, TX

MTC–00018459

From: David C. Spaeth
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

Dear Sirs;

I want to respond to the settlement solutions I've read about in the Microsoft anti-trust case.

I have an observation to make—the most simple solution to the case would release the consumer from the affects of the monopoly as well as level the playing field for competition.

Simply require Microsoft to publish the full specification of their software data file formats prior to release. The software data formats—when a consumer creates a document and saves it—should be owned by the consumer. An open format would ensure that ''upgrades-for-the-purpose-of-revenue-generation'' would cease to require the consumer to upgrade applications because of compatability and allow the software publishers to position their products against Microsoft effectively—the software publisher who truly creates a better mouse-trap would get the sale.

If this isn't done, the monopoly will continue.

Thank you for your time.

David C Spaeth

Hazelwood, MO

MTC–00018460

From: tbone@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:01pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am extremely disappointed by the DOJ's proposed settlement with Microsoft. The settlement is without teeth; it does almost nothing to prevent Microsoft from engaging in further illegal activities. I recommend you to Dan Kegel's open letter detailing the deficiencies of the settlement (http://www.kegel.com/remedy/letter.html). I cannot support a settlement which does not, at the very least, document ALL of the Microsoft APIs for use by OEMs; =that= would spark =real= competition. And is it too much to ask for some language that speaks to penalties that would be suffered by Microsoft should it fail to abide by the settlement? Meaningful, billion-dollar penalties?

Thank you for your time and attention in this matter.

Sincerely,

Tracy Boland

12435 Milton St.

Los Angeles, CA 90066

MTC–00018461

From: Sean Russell
To: Microsoft ATR
Date: 1/23/02 4:15pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is flawed, and fails to provide a solution to the fundamental problem of Microsoft's monopoly. The settlement will, in no way, remedy the situation, or affect the status of Microsoft's monopoly. As a result, I am opposed to the settlement, and call for more severe restrictions, and more reliable oversight, on Microsoft.

Sean Russell

Bend, OR

MTC–00018462

From: Ed Edwards
To: Microsoft ATR
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement
Attn: Renata Hesse, Trial Attorney
Department of Justice

I want to express my opposition to the Microsoft settlement. I don't not believe it goes nearly far enough to adequately address the harm Microsoft has done to the technology industry. Their complete dominance of the sector, and their practices aimed at eliminating any and all competitors. I support AOL/Time Warner in their efforts to seek redress for the monopoly Microsoft attempted to create in the web browser market, and I see nothing from Microsoft to convince me that they will not continue on its apparent course of complete world domination of the software/operating system industry. Please do not let Microsoft off the hook so easily.

Ed Edwards

Bloomsburg, PA

MTC–00018463

From: Mieusset, Jean L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement

I think the proposed settlement in the Microsoft antitrust trial is not adequate, and I would like to voice my opposition. The proposed settlement does not fully address Microsoft's past actions, and fails to set limits to future abuses. For example, according to the terms of the settlement, Microsoft Corporation is

- not prohibited for creating incompatibilities within its application programs, a definite loss for the consumer.
- not prevented from pressurizing OEM vendors to ship systems with Microsoft operating systems or system software components only.
- allowed to replace of Java with .NET, itself not being replaceable within the system.

It is also unclear what the enforcement of the settlement terms, as written, will be. The proposed Microsoft settlement is, in my opinion, not adequate, and should be revised to curb some of this anticompetitive behavior, harmful to the consuming public.

Sincerely,

J. L Mieusset

80 Lawton Road

Needham, MA.

MTC–00018464

From: Chris Meyer
To: Microsoft ATR
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement is unsuitable

To whom it may concern,

After having read and considered Scott Rosenberg's Salon article, I find myself forced to agree that his points are valid. I have been apalled at the manner in which Microsoft has been allowed to twist the spirit of the mandates set before it and constantly thumb its nose at authority like a five-year-

old making faces at its mother behind her back. If Microsoft is truly guilty, of which I believe there's no question now, then amends must be made by them for their years of unlawful conduct. I do not believe the settlement as it stands has the power to adequately enforce that, and I would strongly encourage any who would listen to ensure that the future Microsoft will neither regard this as a simple ''slap on the wrist'' nor be able to repeat its horrible offenses.

Sincerely,
Chris Meyer

MTC–00018465

From: Seth Price
To: Microsoft ATR
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Seth Price
7402 Longmeadow
Madison, WI 53717
sprice@students.wisc.edu

MTC–00018466

From: Cox, Aaron
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:18pm
Subject: microsoft settlement

I think the settlement is a bad idea. The main concern is fair competition. The only way to allow fair competition is to force open standards and force them to abide by these published standards.

MTC–00018467

From: Kathy A. Graff
To: Microsoft ATR
Date: 1/23/02 4:16pm
Subject: Microsoft Settlement

I am concerned that the proposed settlement is not strong enough to discourage Microsoft's anticompetitive practices, in particular the threat to open source software. I have been earning my livelihood as a Perl programmer for several years. I used Microsoft's BASIC and QuickBASIC in the early 1990's because it was cross-platform, but lost clients and income when Microsoft discontinued support for the Macintosh version.

Businesses and ''just plain folks'' are afraid to use anything other than Microsoft products because of the perception that Microsoft is a monopoly, nothing can change that status, and they will be hurt if they don't plan along. This is despite higher support costs for Microsoft products. None of this is good for business in general let alone the software or operating system industries.

Kathy A. Graff
823 North 2nd Street Suite 214
Milwaukee WI 53203

MTC–00018468

From: Tad Hunt
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

The proposed settlement doesn't solve the problem.

MTC–00018469

From: Sanjay Linganna
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

Hello,

From my understanding of the Proposed Final Judgement of the Microsoft case, it is not mandatory for Microsoft to ''open-up'' their file formats. I cannot afford to purchase Microsoft Office ($480) so my ability to communicate and share information is limited, especially when communicating with the corporate word (sending resumes, etc).

Thanks for your time,
Sanjay Linganna

MTC–00018470

From: Josh Glover
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

To Whom it May Concern,

My name is Josh Glover, and I am a Computer Science student at The College of William and Mary in Virginia. I feel strongly that Microsoft, in its current incarnation, is bad for the computer industry, higher education, and technology in general. The strongarm tactics of the Microsoft Corporation have kept advancements in technology from becoming available to the public, and made the simple act of trying to run a network or write a webpage a nightmare.

What I mean by this is, Microsoft's implementations of many of the RFC-based standards have been decidedly non-standard. In the ''best case'', they add extensions that people come to depend on, thus making the standards seem inferior. This would not be such a bad thing (one could argue that it is technological Darwinism), except for Microsoft's apparent disdain of many standards-making bodies. In the worst cases (and MIT's Kerberos Project leaps to mind), Microsoft's implementations of standard protocols are ''incompatible'' with the actual standards, effectively disallowing standards-based communication. The Internet is only possible through a set of standard protocols, and if Microsoft is allowed to continue in its current behaviour, it could actually gain control of the Internet itself.

Microsoft hurts the consumer in the same way, by effectively taking away the choice of the consumer. When I recently bought a laptop computer from Dell, I was forced to pay several hundred dollars for bundled Microsoft software (the operating system and the Works ''productivity'' software) that I did not want and have never removed from the shrink-wrap. Even worse, I cannot legally sell this software to anyone else, due to licensing. This type of ''Microsoft tax'' alone should make it obvious that Microsoft is a monopoly.

Also, Microsoft's goals are to strengthen its monopoly, not to provide a service. In a free market, the best products should theoretically win. But when a giant company controls a sector of the market and is actively branching out, as in Microsoft's case, good products are stifled and the consumer loses. In the very specific case of the software market, Microsoft's refusal to ''care'' about bugs and deficiencies in their software because they are too busy trying to increase their control over the wallets of the world. This wastes millions of hours of time for people all over the world who want working, quality software. Now, the biggest problem with the proposed settlement is that Microsoft would be donating computers ''RUNNING THE WINDOWS OPERATING SYSTEM'' to education. This is not a punishment! This is like a ''loss leader'' marketing strategy. This is how Microsoft got to where they are today. So-called charity is not the answer. If Microsoft is fined a dollar amount, they should have to pay ''IN CASH''! This is only fair to the taxpayers all over the US who have been harmed by Microsoft's anti-competative practises.

Thank you,
Joshua M. Glover
CC:Dick Prosl,R. O'Neil,rodiet@wm.edu@inetgw,Paul Sou...

MTC–00018471

From: billie44
To: Microsoft ATR
Date: 1/23/02 4:22pm
Subject: Microsoft Settlement

To the Justice Department:

The immeasurably-beneficial world of the computer and its infinite potential for saving this wondrous planet is too precious to be left to Microsoft—as well-intentioned as the latter may plead.

The sheer, growing monopolistic aspect of Microsoft must be mightily and profoundly curbed—forced if necessary to allow the free and nurtured ''competition''—for lack of a better phrase—of other minds and souls to flourish.

With all conviction and sincerity,
Bill Bryan, Paso Robles, California

MTC–00018472

From: David Bezold
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I am writing to express my opinion that the present DOJ settlement with Microsoft does not go far enough to prevent Microsoft's Monopolistic business practices.

I have spent my entire career (25 years) as an embedded software developer. I was writing software before the MacIntosh, before Microsoft, and before SUN. I have watched the development of the software engineering discipline—a discipline devoted to ''engineering'' software. Remember, an engineer is someone who is ''skilled in the principles and practice of any branch of engineering'' (Webster's Revised Unabridged Dictionary (1913)).

A professional engineer must have the skill to produce reliable, working designs. If they do not, they are not allowed to practice their craft. If a civil engineer consistently designs bridges that fail, that engineer will lose his/her clients to another civil engineer (and will likely be sued)? If an embedded software engineer writes software that controls a television, and that software contains bugs

that causes the television to consistently fail to operate, the engineer will likely loose his/her job?

The world's largest software company consistently produces software that makes computers crash and misbehave. Yet this company maintains some of the largest profit margins and growth anywhere in the world economy? Why is that? That company is a monopoly. There is no competitor who will profit from Microsoft's poor engineering.

The current DOJ settlement does not go far enough to solve this problem. It must take actions to make it possible for real competitors to Microsoft to come into the marketplace. Competition is what spurs innovation in our economy. As long as there is no competition in the PC operating system marketplace, we will continue to have computers that crash and misbehave, to the detriment of all consumers.

David Bezold
bezold@nwlink.com
phone:425.743.4269

MTC–00018473

From: Brian Finn
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

Dear Good People at the Department of Justice,

I am writing to you today to express my dismay at one of the remedies discussed in the proposed settlement for Microsoft's anticompetitive actions. This remedy states that Microsoft will not be allowed to retaliate against Original Equipment Manufacturers (OEMs) who sell PCs that can run either Windows or another operating system. This, in effect, forces OEMs to sell Windows to their customers, whether they want it or not. In the past, an OEM customer who wanted a prebuilt computer to run Linux (or FreeBSD, or any other non-Microsoft operating system) had to buy a Windows PC, delete Windows, and then install the new operating system. This has been half-seriously referred to as the ''Windows Tax''. With the remedy in place, the customer does not have to install the new operating system, but still must pay for and delete Windows from the PC. The ''Windows Tax'' is still in place! The language of the agreement should be changed so that OEMs cannot be punished by Microsoft for selling PCs that only use a non-Microsoft operating system.

Thanks,
Brian Finn
Network Administrator
NACM Southwest
1915 Westridge Drive
Irving, Texas 75038
voice 972–518–0019
fax 972–580–9089
brian@nacmsw.com

MTC–00018474

From: drey
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

It is my personal recommendation that the United States does NOT settle its antitrust case against Microsoft. Doing so would allow Microsoft to further bend computer users over and practically convince users to handcuff their wrists to their ankles.

David Stair

MTC–00018475

From: Phyllis Korb
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

In the words of Todd Beamer: Let's roll! Let's get on with life. Settle the case. What an utter waste of money to continue to drag this on in court. Let Microsoft do what they do best. If the competition can't keep up, maybe they need to try harder!

Phyllis Korb

MTC–00018476

From: mattc
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

I am strongly opposed to the Microsoft settlement that is currently being concidered. It calls into question why we should be proud to call ourselves Americans when the legal system can be bought and manipulated by one powerfull company.

This settlement forces me to unwillingly surrender my rights to a fair and arbitrary legal system. I am ashamed of it. Spcecifically, I am opposed to the ammount of control that Microsoft has in administering the terms of the agreement. Too many grey areas and judgement calls are left wide open as potential loopholes. They have been found guilty in a court of law, and shouldn't be their own guard. More importanly, I am opposed to the gag order of the 3 person oversight committee. Without a voice, there is no way that the can do their job effectivly. Finally, I am opposed to the shortsightedness of this agreement. It does nothing to curb Microsofts illegal use of its Monopoly on the desktop to corner other markets. Innovation is stifled, and Americans loose. I respectfully urge you to throw out the proposed agreement, and see that true justice is done.

With respect,
Matthew J. Clark
Portland, OR

MTC–00018477

From: Peter A. Peterson II
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

Hello,

My name is Peter A. Peterson II, and I work as a system administrator and technician in the Chicagoland area, and I want to register my displeasure with the Microsoft Settlement. To anyone in the industry, it is clear that Microsoft calls the shots, especially in the consumer market, and more and more in the server and production market, and even now with their entrance into the home market through things like the Xbox and their new initiatives into creating ''standards'' (i.e. corporately controlled, revenue-generating systems) like the .NET initiative, as well as the near-total universality of the Internet Explorer browser—Microsoft is and has a monopoly on some of the most vital portions of the information economy.

If this monopoly is to be regulated, then real, effectual penalties MUST be effected on the company. I don't hate Microsoft—a lot of their products are very good, and to a certain extent, they have gotten to where they have because of the quality of their products. But good products, or at least better products have become only products, where competitors cannot afford to actually be competitive with Microsoft.

And this says nothing of their draconian business practices in many realms. Even now Microsoft is crafting their proposals and plans to grow even larger and more powerful than they already are—what kind of control over the information industry are they going to be given? No, the penalties against Microsoft must have meaningful significance. I don't know enough to say what that would be, nor am I necessarily supporting the idea of dividing the company—but in doing so, there is a clear, definite punishment and regulations to enforce the interactions between the companies. But with simple fines and reparations made, we only force microsoft to give back a small portion of the money that they have extorted from businesses, consumers, and other industry players, and their business practices will continue. Please consider an alternative punishment for Microsoft.

Yours,
Peter

MTC–00018478

From: Voll, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

I'm shocked at the proposed settlement with Microsoft. The only thing missing from this sham is a complete apology from the goverment. Microsoft is quilty. Remember? What is God's name does this proposed settlement do to correct Microsofts behavior? Have you not followed the previous court order corrections to Microsoft behaviors and witnessed how ''effective'' they were?

MTC–00018479

From: Georg Lange
To: Microsoft ATR
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

Dear Madams & Sirs,
The proposed settlement is bad idea.
Best regards,
Georg
mailto:komo7330@mailszrz.zrz.tu-berlin.de

MTC–00018480

From: Thomas C Bourgeois
To: Microsoft ATR
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

To whom it may Concern:

I am the Assistant Director for Curriculum and Registration at the University of Arizona. Among my job duties is the charge to automate paper-driven processes or make those processes which are automated more efficient. Throughout my tenure I have relied on the ubiquitous presence of the personal computer to succeed at this charge, and because I work at a publicly funded university, budgetary concerns are of paramount importance in the solutions which I pursue. Because many of the institution's administrative computing

resources (PCs) have Microsoft software on them when they arrive from the manufacturer, I have been a frequent user of Microsoft products. However, I have also taken full advantage of other vendors'' products when they have provided an appropriate balance of value and cost. In fact many of my most successful projects have benefited from using some very high quality, non-Microsoft software which is available at no cost to the user. I have followed the Microsoft antitrust case with some concern, especially because the Department of Justice has chosen not to break up the corporation for its anticompetitive practices. What I fear most from the result of this decision is that it will ultimately compromise my ability to do my job, because it has the very real potential to severely constrain the availability and quality of free software available for the personal computer.

Microsoft operating system products, browser products, and other software products are very successful because they are tightly integrated; that is, they work well with each other. However, over the years I have observed that these same products have tended not to work so well with other, non-Microsoft products. Performance lags, crashes, and constrained functionality are all symptoms of the interaction of Microsoft products with those developed by another vendor. In fact the dark side of this integration is evident in the recent virus attacks. Many of these attacks exploit the high degree of interoperability of Microsoft products to destroy systems and propagate this destruction to other computers.

I am a layman and cannot begin to understand the intricate details of why this might be so, but it is reasonable to conclude that such integration is only possible because developers of various Microsoft products communicate heavily with each other, and make design changes to accommodate these various products under a unified corporate strategy.

As Microsoft has grown as a company, its survival has depended less and less on interoperability with the products of other vendors. Breaking up the company would have required that communication vital to interoperability be by necessity more open. However, because Microsoft will continue to develop its various products under a single corporate identity it is critical that they be required to communicate to other vendors in the industry any design criteria which will impinge on the relative interoperability of a non-Microsoft product with a Microsoft product.

Providing the industry with a level developmental playing field, as conceived through interoperability of Microsoft and non-Microsoft products, is the only possible hope of eliminating Microsoft's anti-competitive practices. It is certainly not in the company's best interests to do this, and therefore it will be critical that such interoperability be required and enforced by any solution implemented by the Department of Justice.

As it stands, I fear that the proposed settlement falls short of providing for this level developmental playing field. The devil is in the details, as they say, and from my understanding the scope of the proposed settlement is too narrow to prevent Microsoft from using its inherent internal communication to its own advantage and to the disadvantage of those vendors who want to develop products to compete with, yet still function with, Microsoft products.

The settlement between the Department of Justice and the Microsoft corporation can only truly benefit consumers to the extent that it adequately supports the letter and spirit of free enterprise between Microsoft and its competitors, and this is only possible to the extent that Microsoft be strictly prohibited from using its market share advantage and internal communication opportunities to undermine the interoperability of other products with Microsoft products. It is my sincere hope that the Department of Justice further revises its proposed settlement to ensure the success of such prohibitions.

Sincerely,

Thomas C. Bourgeois, Ph. D.

Assistant Director, Curriculum and Registration

The University of Arizona

MTC–00018481

From: Pete Cervasio
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to add my comments on the proposed settlement of the Microsoft anti-trust case. I believe that the proposed final judgement (PFJ) is flawed, and fully agree with the problems seen in it by Dan Kegel (found at http://www.kegel.com/remedy/remedy2.html). Microsoft has been found guilty of a crime and as a result, they should be punished. They also should make reparations to those injured by their criminal actions. Unfortunately, the PFJ does not fully redress those actions that have been committed by Microsoft in the past, nor does it inhibit their ability to commit further acts in the future.

Because of Microsoft's business practices, hundreds (if not thousands) of small businesses have ceased to exist. Where are the provisions for reparation? The PFJ does ''nothing'' to correct Microsoft's illegal actions. It only prohibits the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as their only ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

We do not smack the hands of bank robbers, murderers or rapists and tell them ''don't do that any more''. In this case, Microsoft isn't even getting their hands slapped! While it would likely be impossible to find all the people and companies who were forced out of business by Microsoft's illegal monopoly, making reparations to those hurt by Microsoft impossible also, Microsoft should be penalized for breaking the anti-trust law. The PFJ does not do that.

The Court's desire that a settlement be reached quickly is a good intention, but it is wrong to reach a settlement just for the sake of reaching one.

Sincerely,

Pete Cervasio
7013 Newcastle Place
North Richland Hills, TX 76180

MTC–00018482

From: Aaron Swartz
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is shameful in its omissions, loopholes and simple ignorance of the importance of this case. It doesn't do anything to punish Microsoft for their illegal behavior (of which they have been convicted!) nor does it do much stop them from monopolizing other markets in the future.

The only thing it does do is to essentially prevent them from taking over the markets they've already taken over, and its loopholes and poor definitions do a poor job of even that.

Microsoft cannot be let off this easily, or it will continue to prevent innovation and competition in our computer industry. This is the government's chance to restore freedom to software developers and it is essential to do it right. Otherwise we will only prolong the sad track record of nearly zero major improvements in the field. There are more details in this assessment of the proposed remedy: http://www.kegel.com/remedy/remedy2.html

Humbly,

Aaron Swartz
<mailto:me@aaronsw.com>
<http://www.aaronsw.com/>

MTC–00018483

From: Bill OConnor
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement

Hello,

Below is a copy of a letter written by Ralph Nader concerning the MS anti-trust case. I'm sending a copy if it to you because it reflects my sentiments about the case. I have experienced first hand Microsoft's virtual blackmail of software developers and feel that it is definitely not in the consumers best interest to perpetuate the current state of affairs.

An analogy might be to think of the operating system as being much the same as the carrier standard for television. Suppose that CBS or NBC owned the NTSC Standard. How many competing televisions stations would we have today? ONE! The operating system provides the basis from which all the other software is built. When one company controls the OS it is able to leverage that position into control of the Software is built upon it. Hence the market dominance of MS in the desktop productivity market with Office.

The current concessions made by the company are for things they no longer intend to dominate or already dominate to the extend it would be too costly for any other company to try and dislodge them. The government is behind the power curve while MS intends to use the same tactics to dominate software designed for the internet with its .NET initiatives. The remedies must include provisions to prevent the monopolistic behavior in the future as well as punishment for past behavior. Industry standards must be promoted for inter-operating system communications so the non-Microsoft OS's and Applications can compete and communicate with those developed by Microsoft. It should be apparent just how much of a monopoly MS does have on the operating system business by the very fact that it's closest competitor (Linux) is given away for free under a public license. Just think how difficult it would be for a company to try and charge money for an OS. I have yet to think of one example in any other industry where that would be the case. If Honda decided to give Accords away for free how many people would buy Fords or GM's. Why don't people just flock to the free OS if we have such a truly competitive situation. The answer is obvious, it isn't truly competitive.

Just one more voice.

William OConnor

Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement. We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J. 1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market.

Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html

''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT

One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights . . . ''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' 1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html ''

Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence

that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

. . . While Linux hasn't displaced Windows, it has made serious inroads . . .] . . In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif-based Wirestone, a technology services company.

. . . Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally . . .

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' ...

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference. In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Sincerely,

Ralph Nader James Love

MTC–00018484

From: Henry Stilmack
To: Microsoft ATR
Date: 1/23/02 4:25pm
Subject: Microsoft Settlement

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interest of promoting competition or provides an adequate remedy for the impact of Microsoft's past business practices on the

Amercian consumer. Specifically, I believe the current proposal will only further stifle competition by giving Microsoft an advantage in penetration of the educational market under the guise of a settlement. Permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), would be tantamount to state-sponsorship of the extension of Mcirosoft's monopoly.

Instead, Microsoft should be required to make payment in cash, and then permit the school systems to direct the use of these funds in the (hopefully technical) areas of their choosing. Futhermore, I believe the amount of the settlement is grossly inadequate to remove the incentive for Microsoft to continue its practices. I believe Microsoft will treat the settlement as a ''cost of doing business'', much as any other ''administrative overhead''. Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the prevailing desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly. To truly avoid a recurrence of past practices, an oversight committee of some sort is truly needed. Your attention to this matter is greatly appreciated.

Sincerely

Henry Stilmack

Senior Systems Administrator

UK/Netherlands/Canada Joint Astronomy Centre

660 N. A'ohoku Place

Tel: +1 808–969–6530

Fax: +1 808–961–6516PGP key: ID = 05AE83F1 Signature = 53FDAAA963766CCB 47B067F154DC0B92

MTC–00018485

From: Gary Goldberg
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement.

Hello. I am the president and chief operating officer of Digital Marketing, Inc, a small business dedicated to web hosting and network consulting in operation for eight years, since 1994, in Maryland. I have followed the Microsoft antitrust case closely, both as a general member of the user community and because of a direct connection between Microsoft policies and my business operations. (We use both Linux and Windows NT/2000 to host web servers, and we have found less opportunities to use competing platforms and tools in our work because of companies like Netscape being forced to the sidelines by Microsoft actions in the last decade.

I believe the settlement with Microsoft the Department of Justice has forged, to be weak and ineffective at addressing the wrongs Microsoft Corporation has perpetrated on the computer-using community, and will encourage Microsoft executives to continue their methods in the future. While I object to many provisions of the settlement, one in particular directly effects my operations—when Microsoft packs on unneeded and undesired additional products into their operating system in order to prevent competitors from developing competing products, it reduces my opportunities to choose and utilize those competing products on behalf of my clients. It also decreases the reliability and increased the resources my machines need to offer services to my clients, increasing downtime and increasing expense, making it harder for me to compete.

I believe the existing Microsoft settlement to be weak and ineffective, doesn't fairly address either past wrongs or discourages Microsoft Corp from similar behavior in the future, and represents a waste of the enormous money, time and energy expended over the last seven years to rein in a convicted monopolist organization. I appreciate this opportunity under the Tunney Act to register my opinion, and I urge the presiding Judge in this case to reconsider and to not accept the settlement as currently drafted. Thank you for your time.

Sincerely,

Gary Goldberg

President, Digital Marketing Inc. (DigiMark)

Digital Marketing Inc. (DigiMark)

3042 Mitchellville Road

Bowie, MD 20716–1388

301/249–6501

301/390–1955 facsimile

og@digimark.net

http://www.digimark.net/

MTC–00018486

From: Shane Baker
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft settlement

I would like to take a moment to express my dissatisfaction with the proposed settlement in the Microsoft anti-trust case. Without going into great detail expressing each individual concern, I would like to outline one specific concern. Please understand that I do this to save both the reader and the writer time and it is not meant to suggest that I find the remaining provisions to be adequate.

Section III.A.2. appears to specifically allow Microsoft to retaliate against any OEM computer vendor that ships computers with a competing operating system but with no Microsoft operating system. I can see no reasonable reason that Microsoft should be permitted to retaliate against any OEM vendor for shipping a customer order as per a customer's request. If I purchase a computer from a vendor and request that they load Linux on it, I can see no reason that I would want to pay the extra fees incurred in having a competing Microsoft product installed. If the computer came configured in this way, I would have to pay more and I would have to reconfigure the computer anyway thus eliminating any value offered by the vendor.

I hope that the proposed settlement is not allowed to pass with its current shortcomings and shortsightedness. I am very appreciative of the fact that the legal system has stepped up to the plate to attempt to do something about these real and pressing issues.

Thank you for your time,

Shane Baker

Stroudsburg, PA.

MTC–00018487

From: Joel ''Twisty'' Nye
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: The Microsoft Antitrust Settlement

Joel Nye
628 Buckeye St
Hamilton, OH 45011–3449

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs and Honorable Judges of the United States Department of Justice:

I write this letter regarding the Revised Proposed Final Judgement (PFJ) in the Antitrust Lawsuit of Microsoft Corporation. I am an Information Technology Specialist serving the Salvation Army for its Divisional Headquarters in Cincinnati, Ohio. As such, an employee and resident in the state of Ohio, and a customer of licensed software from Microsoft and other manufacturers throughout the IT industry, I find myself significantly effected by this judgement. In accordance with the Tunney Act, my comments are entered for public record within the 60 day period allowed.

While this PFJ does an effective job of tying the hands of the govenment from opening Microsoft's trade secrets, it does an inadequate job of bringing Microsoft's behavior in line with the law, and fails to impede Microsoft's anticompetitive behavior with rival software manufacturers and organizations, nor even impede its adversarial role against its own partners and customers. In short, I think it does customers like myself a disservice by encouraging continued anticompetitive behavior in Microsoft. The greatest failure of the PFJ is its discrimination against users of non-commercial software. Be it Free Software, Open Sourced, Shareware, Public Domain binaries, Web Applets, this PFJ permits Microsoft to advance its own interests above the freedoms of the customers found to suffer from an anticompetitive market. The American public and scientific communities are providing people the freedom to actually own software that cannot be legally wrested from them, while Microsoft's licenses keep ownership, control, and choice out of the public's hands.

In light of Microsoft's illegally obtained monopoly, the people must be permitted the freedom to create their own alternatives... Such is the cycle of history, democratizing a technology which has allowed dominant power to rift ''haves'' from ''have nots.''

In section III.A under Prohibited Conduct, Microsoft's behavior against OEMs is regulated, almost. The same section quickly excuses Microsoft to ''enforcing any

provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.'' I must emphasize the wording ''any license,'' for it is by their licenses that Microsoft exercises their power to discrimiate and exclude freedom. While they must be free to innovate, what is at issue is their much exercised ''freedom to inundate.''

Further under section III, parts D through G further regulate behavior of Microsoft from monopolizing middleware and communications protocols of its Windows products, almost. Yet this regulation is conditionally invalidated by the phrase, ''This Section does not apply to any agreements in which Microsoft licenses intellectual property in from a third party.'' So by licensing, even if at no cost to Microsoft, and at the discrimination of all others, Microsoft could indeed continue to monopolize protocols with minimal formality. With such careless qualitification of the DoJ's regulation, it is a wonder why there is any wording of regulation at all.

Under III.J.1, the monopolization of proprietized formats is thrown out with ''J. No provision of this Final Judgment shall:... Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of... software licensing, digital rights management, encryption or authentication systems,...'' Again, I must restate that software licenses are the contracts by which the customers'' freedoms are being arrested.

The remaining sections of enforcement are inconsequential without the repair of behavioral regulation.

I would like to see them further regulated from ''Content Discrimiation,'' a practice by which their client applications, such as Internet Explorer, do willingly replace the data from the internet, such as an error 404 web page which may or may not be customized to a web server's extreme capabilities or needs, substituting content of Microsoft's own choosing. This has profitted Microsoft's self-serving goals, such as promoting their MSN network services, but it violates the efforts of the web server to provide customized content to the service of the customer, which I view as a blatent impropriety of rights to Freedom of Speech in the publishing world of the internet.

Another example of Microsoft's content discrimiation, and of licensing abuse, can be viewed at http://www.vcnet.com/bms/departments/dirtytricks.shtml . It summarizes the targetting of a business opponent in discrimination of emails from bluemountain.com through a beta program of Microsoft Outlook. While they are free to disclaim behavior of such a program in that stage of its development, it is clearly an abuse of trust when free speech is expected to be delivered.

Please do the computing public a favor by striking down this disservice of a settlement. Thank You.

Joel Nye
IT Specialist
The Salvation Army

MTC–00018488

From: Thomas McElroy
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement

I think that having MS interjected into the schools as a part of their reparations is madness. Schools are one of the few places that other operating systems have an opportunity to gain momentum and exposure. MS would happily PAY to have this happen... Not to mention the fact that it will hurt MS's competitors. I think thats an important part of any settlement plan: It should in NO way hurt MS competitors. It should force MS to make reparations to the other companies in the industry on the order of magnitude of the damage it has caused.

Some things to consider would be having reparations paid to all the companies whose software could not be sold because MS was forcing them out of business by charging nothing. The services/companies that immediately spring to mind are Real Networks, Netscape, Yahoo, Mapquest, Nullsoft, AOL (AIM), ICQ, Sony and Nintendo. In addition, I think that MS should be open to lawsuits due to damages from their software. I don't for the life of me understand how, in every other field of law, its not possible to sign one's rights away, except in software. If I buy a car, the mfg can't enforce a contract saying I will not sue for damages due to a defective product, and yet, somehow, MS depends on this protection every moment to stop people from suing for damages related to the inummerable security holes and flaws. MS needs to be seriously shaken and changed. This settlement does NOTHING to bring that to being, and possibly takes steps backwards.

Thanks,
Thomas McElroy

MTC–00018489

From: Wise, Philip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:25pm
Philip Wise
STATE REPRESENTATIVE
Ninety-Eighth District
Statehouse: (515) 281–3221
e-mail—philip.wise@legis.state.ia.us
HOME ADDRESS
503 Grand Ave
Keokuk, Iowa 52632
Home: (319) 524–3643
House of Representatives
State of Iowa
Seventy-Ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
COMMITTEES: Education, Ranking Member
Appropriations Commerce & Regulation
January 23, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

As a senior member of the Iowa House of Representatives who has focused on education and economic development policy, I have followed with considerable interest the proposed settlement in the Microsoft case. I am vitally interested in the creation and deployment of technology that empowers consumers and encourages business expansion. I believe such technology deployment has potential to foster growth in the non-metropolitan areas of the State of Iowa, which is the type of district that I represent.

It is my judgment that the proposed settlement in the Microsoft case is good for Iowa. I am writing, therefore, to lend my support to that settlement and to ask for your assistance in bringing about resolution of this case.

Respectfully submitted,
Philip Wise

MTC–00018490

From: Jackson Typesetting
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

To whom it may concern my name is Jon Park and I have been reading the news concerning this settlement and I feel what Microsoft wants is what Microsoft gets LITERALLY they seem to have every one of influence on their payroll/side (please choose the word you like best). I agree that Microsoft sould be delt with harshly recently the made a statement to the effect that software pirates/crackers/virus writers are terrorists of sorts and will do what it takes to protect us from them. Has any one thought that maybe their practices of running out the competition by any means possible (I would like to bring to point the fact they lied to the courts on whom they were in contact with during proceedings) borders if not cross that line that defines terrorism. Or are business terroist tactics ok as long as money is made and no physical harm is commited to any persons. They seem as big a threat to the health of our economy, face it any strings they decide to pull effects us all, from centralizing computer platform development to serve their software only—to pulling the plug on a contract with a video game supplier because they decided toenter the market, I am sure the Japanese market didn't respond well to that.

I just had a thought the slogan for Microsoft should be ''We want more'' sounds like them doesn't it. Most companies compete not run over to earn success and notariety.

I vote for harsher punishment.
Thank You
Sincerely,
Jon Park
1307 Eastfield Dr.
Jackson, MI 49203

MTC–00018491

From: Julian Thomas
To: Microsoft ATR
Date: 1/23/02 4:21pm
Subject: microsoft settlement

I DO NOT AGREE. Does not go far enough to require documentation of ALL APIs used not only by ''Middleware'' but also Office products. Office file formats must be documented and stable to allow other manufacturers products to import/export office file formats (especially Word and Excel).

Julian Thomas: jt@jt-mj.net http://jt-mj.net

In the beautiful Finger Lakes Wine Country of New York State!

Boardmember of POSSI.org—Phoenix OS/2 Society, Inc

http://www.possi.org

The sad thing about Windows bashing is it's all true.

MTC–00018492

From: Joshua Aune
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

Microsoft has a history of steping on people. It seems that they are doing it again. I feel that the current settelment will not fix the problem.

MTC–00018493

From: Leo Sell
To: Microsoft ATR
Date: 1/23/02 4:27pm
Subject: microsoft settlement

The proposed settlement, is outrageous in many ways, but none more than the ''wolf in sheep's clothing'' that the school-related aspects represent.

Surely the proposal that as part of the fine or relief, Microsoft pay to provide Microsoft-centric hardware and software to schools must have been written by Microsoft folks. DOJ was hoodwinked. This ''relief'' is clearly designed to shove Microsoft's monopoly into the one sector left that it is not dominant—the schools. In supporting this, DOJ is playing right into Microsoft's hands, and this aspect will most certainly do injury to one of the few parties in the marketplace that offers a hale alternative to the Microsoft monopoly of desktop software—Apple Computer. Apple has long been the stronger presence in the nation's schools.

Apple has developed an operating system that, with some time and resource, could be ported to use on Intel-based machines. A better remedy might be to make MS create a fund from which schools could draw money / grants to purchase the SCHOOL'S CHOICE of software and hardware.

A further suitable remedy might be to require MS to provide funding to Apple to port OS X to Intel-based machines.

Leo Sell, Chairperson

Administrative-Professional Association / MEA / NEA

Michigan State University

MTC–00018494

From: Bernhard Damberger
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

I am against the currently proposed settlement with Microsoft. They have shown them selves to be a law breaker many times over. Given Microsoft's past behavior towards ''consent decrees'', I believe that they will continue their standard operating procedure w/o regards to the fact that they been proven to be a monopoly.

Microsoft should be punished for breaking the law. They should pay consumers of their products from the over 30 billion dollar war chest that they have illegally collected. We must take advantage of this opportunity, or else the US will be back in court five years from now.

Sincerly

Bernhard H. Damberger

MTC–00018495

From: Stephen Gilbert
To: Microsoft ATR
Date: 1/23/02 4:27pm
Subject: Microsoft Settlement

To Whom it May Concern:

My name is Stephen Gilbert, and I am an Associate Professor in Computer Science at Orange Coast College in Costa Mesa. As a Computer Science professional responsible for training future generations of computer programmers and software designers, I would like to comment on the proposed settlement between Microsoft and the Department of Justice.

Simply put, I think that the settlement is not in the public interest; it does nothing to separate Microsoft the platform developer and owner from Microsoft the application developer. In my opinion, the proposed remedy provides no punishment for past illegal acts and no incentive to avoid committing such acts in the future.

Stephen Gilbert

Orange Coast College CS Dept.
sgilbert@occ.cccd.edu, http://csjava.occ.cccd.edu

MTC–00018496

From: Sam Frankiel
To: Microsoft ATR
Date: 1/23/02 4:42pm
Subject: Microsoft Settlement

I am writing because I feel the my voice should be heard in some important matters. I know very little about business and I know very little about microsoft specifically. I do have experience in dealing with microsoft products and other products as well. I read through the proposed settlement in the Microsoft Antitrust Trail. I don't have any specific points to argue as far as the settlement goes. I think it gives Microsoft no punishment for doing anything Illegal and it does nothing to prevent them form doing anything illegal in the future. It will not remedy an of the issues the Microsoft has been found guilty of. This can't be allowed to happen. The laws as far as Antitrust issues were made for a reason and microsoft has broken them in the past and is doing it still. The government of the United States of America should do something to stop this and they aren't. they are accepting what microsoft has proposed no matter who actually proposed it. Why would any company propose something in the bad interest? I feel very strongly that this is an unfair proposal and I object.

Sam Frankiel
435 N Alta Vista
Los Angeles Ca 90036
323 972 3771

MTC–00018497

From: AmeshAA@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: (no subject)

DOJ Public Comment

I am writing to express my opinion regarding the Department of Justice's case against Microsoft. I am firmly opposed to any actions being taken against Microsoft. Any remedy proposed under the guise of the anti-trust laws will amount to fascism, where property is property in name only. Microsoft has a moral right to do as it chooses with its own property and amount of penalization of Microsoft will abrogate that right. The government, by adhering to the dictatorial anti-trust laws, is engaged on a witch-hunt for success. Any company that has achieved success by the voluntary choices of consumers is a potential victim while companies that achieve success by government decree (e.g. US Postal Service) are safe from the clutches of bureaucrats. It is revolting to see that when the American dream finally comes true for someone (Bill Gates), the government and envious competitors insists on creating a nightmare to follow.

Amesh Adalja
143 Blazing Star Drive
Butler, PA 16002
(724) 586–6848

MTC–00018498

From: Darrell King
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

Thank you for your careful and conscientious work in addressing the issues involved with Microsoft Settlement. I can only guess at the amount of work involved in picking through such a tangled landscape.

As I read about the proceedings, I am left with a single concern: have we ended the problem? As a small an owner of both Red Hat Linux and several Microsoft Operating Systems, I am very familiar with using both in my daily business.

I've often been concerned with the situation where Open Source products can be built for Windows (Apache, PHP, MySQL), but those dedicating to porting in the opposite direction are frustrated by an inability to easily carry a Windows-based product to a Linux environment. I have to wonder if any settlement is complete that does not address this issue in a realistic and final manner.

In my opinion, the fundamental issue here is not the protection of intellectual property. Of course Microsoft should be allowed to make a profit and protect it's ability to do so. I think, however, that having such a tight lock on the most fundamental piece of software a computer uses, the operating system, is too much control. If the Windows OS is the best, people will buy it, but no one should be forced to just because it's the only viable alternative. Both Mac and the Open Source fronts have put forth good efforts, but they are up against wall when they face compatibility issues regarding application written to run on Windows.

My solution? Make sure that the Windows API is available for use by developers who wish to integrate software with alternative operating systems. If the consumers can run their favorite programs on several different operating systems, the threat of monopoly ceases to be.

Thank you,

Darrell G King

MTC–00018499

From: Steve Tow
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I wish I had proper remedy for this monopolist, but I don't. What I can say is that the need to pull out all the stops in order to contain this predator is absolutely necessary. The evidence against MS is stacked to the ceiling. There is no real question they did multitudes of things wrong in terms of fair competition. From false incompatibilities to strong arming vendors from shipping anything but microsoft products. It's all there and obvious. They have made a mint out of manipulating or simply screwing six ways from Sunday any company or competition if it had a chance to make a buck, squash that competition, or generally help MS at the cost of others. This monopoly would be acceptible if it were a company doing it through legal and ethical means. Just being a monopoly is not a problem if it is acquired. It is a problem if it is stolen from the hands of others.

In the years they spent building..er..stealing..this sector of the market they also hindered innovation to an alarming degree. I think anyone in the know in the OS department knows that a close look at Win95 vs WinXP reveals nothing but an evolution of face lifts with virtually no new features or technology. What have they done over the 7 years? Well, add new decorations, things like DVD and media players (things that don't take 7 years given their workforce), and last but not least, spent hours upon hours coming up with a way to make sure they can milk their already finaincially strained customers for more money. Regardless of BG's pseudo-victim-esque cries of ''I need the freedom to innovate!'', there has been nothing but a near halt of real innovation in the MS camp and none from any other camp because MS has elimimnated the competition that could breed innovation...

I am a technological purist. I don't give a f*ck about the all mighty dollar. I just want to see true innovation in a free market. It might be deemed too dramatic to say that this hinderance of innovation might keep me from setting foot on Mars before I die, but this could very well be true and cannot be discounted. As long as MS is making $$, they won't really care about techology and innovation. They are a marketing company, not a technical company...

The sad truth is that regardless of my attitude towards the money vs innovation, the final factor may be the money. Money buys people, opinions, and even court cases. The many so-called ''experts'' that are surely making a case for the other side of this debate are certainly well paid to give those opinions. I would like to think that the one thing this corporate bully could not buy or manipulate is the American judicial sytem. Only time will tell on that. Don't let it happen....

Please put some serious restraints on this beast before they get away and start eating up competition once again...

Steve Tow
Systems Engineer
Vital Support Systems
Email: Steve.Tow@vitalsite.com
Phone: (515) 334–5700

MTC–00018500

From: Langtry, Nathan Frederick (UMC-Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00018501

From: Rob Tanner
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I do not support the proposed settlement with Microsoft.

Rob Tanner
rtanner@utk.edu

MTC–00018502

From: jcastle@in-system.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I am opposed to the proposed judgement because it does not require Microsoft to provie sufficient documentation in a timely manor to allow competing middleware providers to be successful. Microsoft would be required to publish the APIs, but not until the associated Microsoft product is in beta testing. That means any competing solution would always lag in the market place and be at a disadvantage.

And the judgement specifically disallows the use of such published information for the use of developing competing operating systems; that restriction only serves to hinder competing products and to enhance Microsoft's monopoly.

I am also opposed to the proposed judgement because it allows Microsoft to use licensing terms to prevent OEMs from providing competing operating systems or applications in addition to Microsoft products from doing so. That forces OEMs to choose between offering Microsoft products OR competing products. No OEM can afford to drop the dominant Microsoft products, so they effectively are prevented from offering competing products. Therefore, the proposed judgement is flawed and does not serve the public interest.

Respectfully,
Jim Castleberry
7154 W. State St., #227
Boise, Idaho, 83703

MTC–00018503

From: Scott Chamberlain
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

I disagree with the proposed Microsoft settlement. Microsoft is a direct competitor of my company and I am tired of their shady tactics.

Scott L. Chamberlain

MTC–00018504

From: Cruise, Dennis (Adecco ETW)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:32pm
Subject: Microsoft Settlement

I think this settlement is a bad idea.

Dennis Cruise
dcruise@hotcoffee.org

MTC–00018505

From: Wayne—Bryant@notes.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:31pm
Subject: Restraint of trade

I live in an area where the only high-speed Internet option is AT&T Broadband. Last night when I called their tech support line to find out why my email stopped working, the support person flatly refused to help me unless I switched email programs from Eudora to Microsoft OutLook. This is exactly the sort of restraint of trade actions that Microsoft has been coercing other companies into for years. The Justice Department's slap on the wrist will do nothing to change Microsoft's behavior in this regard.

By the way, I found it ominous that when I clicked on the web site link to send this email, rather than starting up my default email program, it tried to start up Microsoft OutLook. I'll leave it to you to sort out the implications.

Sincerely,
Wayne Bryant
cc: Tom Reilly—Massachusetts Attorney General

MTC–00018506

From: Wismar, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

Dear Sirs or Madams,

I just wanted to voice my opinion that the proposed Microsoft settlement will not alleviate the problems facing this country that are a direct consequence of Microsoft's monopoly and their continued habit of abusing the aforementioned monopoly. The actions taken against Microsoft must be more thoroughly considered before any hasty ''stop-gap'' or ''wrist-slap'' measures are taken. Please reconsider the proposed settlement and try to come up with a solution that has a higher chance of success against this corporation and its monopolistic tendencies. Thank you, and have a nice day.

Andy Wismar
alw9@weatherhead.cwru.edu
Application Developer
Information Technology Group
Weatherhead School of Management
Case Western Reserve University

MTC–00018507

From: Douglas Hillgren
To: Microsoft Settlement
Date: 1/23/02 1:11pm
Subject: Say NO to the DOJ Microsoft Settlement

Douglas Hillgren
196 Blue Ridge Acres
Harpers Ferry, WV 25425
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft settlement simply will encourage Microsoft to continue the same

king of monopolistic practices that destroyed countless new high-tech companies. The DOJ settlement is a watered down slap on the wrist that does nothing to punish Microsoft for stifling competition, stealing technology, and strong-arming business partners to advance MS products. Don't let the DOJ waffle on this and therefore sell out the American people it PURPORTS to represent. We don't care if the government gets any money out of this, unlike the DOJ (it seems). What we want MS to do is DESIST their extortionist and raider business practices, open their operating systems in a fair and consistent fashion, and above all COMPENSATE all the business owners, shareholders, and principles of the myriad of businesses they ruined.

As a 20-year veteran of the technology industry, I can speak for most of my peers when I say that the DOJ settlement is nothing short of a highly-suspect kow-tow to Microsoft. Please make DOJ DO THEIR DAMN JOBS instead of sucking up to Bill Gates.

Sincerely,
Douglas M. Hillgren

MTC–00018508

From: John H. Robinson, IV
To: Microsoft ATR
Date: 1/23/02 4:31pm
Subject: Microsoft Settlement

Dear Sirs:

The proposed settlement between the Department of Justice and Microsoft is a complete travesty of justice. The definitions of certain key terms (cf: API) are significantly different from the definitions used in the Finding of Fact. This allows a proven unscrupulous company to violate the spirit of the settlement with the letter of the settlement.

Microsoft would also be able to get away with a slap on the wrist, and a charge of ''sin no more.'' We have seen that this is ineffective, as Microsoft was in this exact position about four years ago. Microsoft is also free to engage in their monopolistic behaviour by keeping secret key data formats, and interface details. This is similar to selling someone a car(data) and a chauffeur(application), but refusing to tell them how any of the controls(format, interface) work. The only way to drive the car is to use the company's chauffeur.

If the settlement is allowed to go through in its current form, the American people will suffer further from the monopolistic practices of Microsoft.

Sincerely,
John H. Robinson, IV
San Diego, California

MTC–00018509

From: Adam Wiggins
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: Microsoft settlement
Adam Wiggins
TCSP Inc.
465 E Union St #207
Pasadena, CA 91101
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

I feel very strongly that Microsoft should not be allowed to ''get away'' with the settlement as proposed. As a long-time veteran of the technology industry, I have struggled against the oppression of Microsoft's stranglehold on the market. Today I own a small IT services company, and our ability to do business is stiffled on a daily basis by Microsoft's bad products and anti-competative practices. We have worked hard to eliminate MS software from our office but, alas, it is nearly impossible to do so and still remain competative.

The settlement, as proposed, is more of a prize for Microsoft than it is a punishment. They ''spend'' very little money (the sticker value of software has nothing to do with its cost to produce) and in exchange they get to break into a market they have traditionally had trouble entering, that of our educational system.

Please do not allow them to get away with this nonsense; deny them this so-called ''settlement.''

Sincerely,
Adam Wiggins
Chief Software Architect
TrustCommerce / TCSP Inc.
626 744 7700 x811
adam@trustcommerce.com
http://www.trustcommerce.com

MTC–00018510

From: Lydia Rose Pellow
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: microsoft settlement = BAD

I am against the microsoft settlement.
thank you,
Lydia Pellow
285 Plantation St. Apt. 323
Worcester MA 01604

MTC–00018511

From: blue1suite
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I oppose the current Microsoft settlement. Microsoft has a verticle monopoly in the software industy. They control the operating system market. That control gives their application developers an advantage in time to market, in the use of special undocumented features, and in the ability to force installation by users. Because of their market dominance in the operating system, they are able to push application vendors out of niche markets.

They continue to pursue a strategy of pushing vendors out of the market through incorporation of functionality into their operating system. Consider the examples of internet messaging and multi-media presentation. In both cases, Microsoft bundles applications that have nothing to do with the operating system into the operating system distribution. This leverages Microsoft's monopoly of the operating system into other markets. If Microsoft is allowed to continue this practice then AOL instant messenger and Real Media will have a very tough time remaining in the market. Their problems will not be a result of the relative merits of their product, but rather a result of Microsoft's dominance of the operating system market.

If the operating system portion of Microsoft's business was operated as a separate company, the likely result would have been that Netscape, Real Media Player, and AOL Instant Messenger would have been licensed by the operating system developer for bundling in OEM distributions. Other competitors could have challenged the Netscape, Real Media, and AOL dominance by either developing a better product and marketing it to the operating system vendor, or developing an equivalent product and licensing it to Microsoft for less money. In this way, competitive markets would still exist and Microsoft would still be able to deliver a high level of functionality in a single bundle.

Sincerely,
Jonathan Ultis
7514 Charmant Drive, #916
San Diego, CA 92122
Registered Republican

MTC–00018512

From: Hollis Blanchard
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I am concerned about the proposed Microsoft settlement for a couple reasons:

—Their donation to school systems is a flagrant attempt to force out one of their strongest competitors in that space—Apple Computer.

—The language used to protect for-profit businesses will not help non-profit organizations! Microsoft's *other* big competitor is the Open Source movement. To leave this language unchanged would be as good as a Get Out Of Jail Free card.

Hollis

MTC–00018513

From: kristian@elp.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
23 January 2002

My comments about the Microsoft Antitrust Case:

I believe the Microsoft monopoly has had a detrimental effect on the internet, effectively transforming the internet from an open, standards-based communication system to one that is a proprietary, Microsoft-based system under their control. In essence, Microsoft now partially controls communications on the internet and world wide web and their influence is growing. If this is not corrected, then there is a good possibility that Microsoft could largely or completely control communications and interactions on the internet and world wide web. Presently, Intel or AMD based computers comprise about 90% or more of the personal computer market in the US. Microsoft has a monopoly in this market, and the vast majority of Intel/AMD computers

run the Microsoft operating system and the Internet Explorer web browser. Thus, most web designers make websites for Microsoft based systems and browsers. However, Microsoft-generated web documents and Microsoft-based browsers rely on proprietary features (eg, non-ISO characters, proprietary javascript implementations, etc) which do not conform to web standards and can't be emulated using web-standard browsers, such as those available for Linux and FreeBSD . Browsers for these systems are based on reading web documents which are designed to open standards, and will render pages designed for the proprietary standards of Internet Explorer poorly if at all. The net effect is that if you own an Intel/AMD computer, you cannot fully access the worldwide web and internet unless you run the Microsoft operating system on your computer. This has a real manifestation in my life. There are many commercial sites where I have tried to make on-line purchases and couldn't because my web-standard browsers (I use three different browsers under Linux) could not read the web page because it was designed for Internet Explorer. There are also many government and official sites I have tried to visit that did not render properly and thus prevented me from obtaining useful information. The problem is getting worse, and in the last six months I have noticed problems at many more sites than in the past.

I believe that it is essential that the U.S. Courts involved in this matter create an agreement which prevents Microsoft from having a monopoly on the internet and world wide web. As general suggestions, as a minimum Microsoft should make the complete source code of their web browser, Internet Explorer and subsequent editions, open to the public. The operating system source code that is relevant to computer networking should also be disclosed. Furthermore, Microsoft application programs should by default generate web documents which are designed to open web standards, such as those espoused by the Worldwide Web Consortium (www.w3c.org).

Regards,
Christian D. Turner
1210 Moore Street
El Paso, TX 79902

MTC–00018514

From: Bircsak, John
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:36pm
Subject: Microsoft Settlement

I wish to express my objection to the proposed settlement in the Microsoft case. The scope and wording seem to be carefully constructed so as to not actually effect much change in the way Microsoft does business, and in particular to cripple free software efforts to work against the monopoly power that MS seems fully intent on wielding for all time, with no regard to the consumer.

I am strongly opposed!
John Alex Bircsak
email: John.Bircsak@Intel.com
Nashua Software Lab
phone: (603)886–7603
Intel Corporation
mail: SPT1

MTC–00018515

From: Peter Wiemer-Hastings
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea. Microsoft has gotten its dominating position in the market *not* through creating quality products, but by using aggressive business techniques. They have used their dominant position to be even more aggressive in the field, and to enjoy a de facto monopoly.

Sincerely,
Peter Wiemer-Hastings
DePaul University CTI
243 S. Wabash
Chicago IL 60604
peterwh@cti.depaul.edu

MTC–00018516

From: ccurtis@Pixxures.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: Microsoft Settlement

The Tunney Act is anti-competitive and seems to hand Microsoft free license to continue predatory practices that prevent creative ideas and competitive products from ever reaching the marketplace. Please do not allow the Tunney Act to proceed. It is wrong and will only continue the economic recession that is hurting the world economy so badly.

MTC–00018517

From: KUCKUCK—SCOTT—D@LILLY.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

I believe that the Microsoft Settlement is a GOOD idea and fully support it. I believe that it will encourage Microsoft to do the right thing in the future and will stop wasting Government resources dealing with issues that happened several years ago and means very little to today's business and economic environment.

Scott D Kuckuck
1103 Willowbrook Dr
Fishers, IN 46038

MTC–00018518

From: Pauldolson@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

23 January 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Dear Attorney General Ashcroft:

I write today to encourage the Department of Justice to accept the Microsoft antitrust settlement. A settlement is available, the terms of which are fair and compliance is assured. The government needs to accept the settlement and move on.

Many people think that Microsoft has gotten off easy, in fact they have not. In order to settle the suit, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has, for example, agreed to set up a technical committee that will assure that Microsoft is in compliance with the settlement. The settlement is fair and compliance will be a boost for the economy, The government needs to accept the settlement and move on. Microsoft and industry need to move on. Please accept the Microsoft antitrust settlement.

Yours truly,
Paul D. Olson
1814 Medallion Loop NW
Olympia, WA 98502–4000

MTC–00018519

From: Ken Bowman
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

This is a bad settlement.
Ken Bowman

MTC–00018520

From: Brent Geske
To: Microsoft ATR
Date: 1/23/02 4:36pm
Subject: Microsoft Settlement

The settlement as worded, is a bad idea. I believe it lacks the teeth to be fully enforced. Even if enforced fully, it doesn't really inhibit Microsoft from continuing their unfair, monopolistic, anti-competitive tactics. Worse yet, it does not punish Microsoft at all for —illegal— acts committed in the past.

Repeating—it doesn't punish an evil doer for wrongs committed (and of which they have been found legally guilty). This simply amazes me.

MTC–00018521

From: Ted Tewkesbury
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: MS settlement

I understand that you are soliciting comments on the Microsoft settlement. I buy software from them; doesn't almost everyone? I'm quite reluctant to go into detail, but I think Justice's direction with MS is easily the most disappointing and dispiriting development of the Bush administration.

Please do not give my email address to Microsoft or it agents, including its counsel. They have my user profile in several places, and I don't want to be denied the ability to upgrade or purchase new MS software in the future. I will also not sign this note. I'm a lawyer, and not to be confronted by one's accusers is repulsive to me, so this quasi-anonymous post goes directly against my grain. But, the conseqences of retaliation by MS are too great.

That's how I feel.

MTC–00018522

From: Mark Grimes
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

January 23, 2002

To Whom It May Concern:

This brief e-mail is intended to voice my concern over the Proposed Final Judgment in United States v. Microsoft. I believe the proposed settlement is not in the interest of the US public for a number of reasons including: (i) the definition of API is far to

restrictive and should include such additional interfaces as Microsoft Installer APIs, (ii) the definition of Windows Operating System Product is far to restrictive and should include any current or future Intel-compatible operating system which is derived from Microsoft's existing Windows 2000/NT/XP/etc. code base, and (iii) there is no practical method of enforcing the settlement. These are just the three most significant issues I believe exist in the settlement; there are a number of other issues.

Thank you,
Mark V. Grimes
1324 Sacramento St.
San Francisco, CA
94109

MTC–00018523

From: jhp@pobox.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

I am against the current remedy, as Microsoft has shown time and again that it's highest buisness priority is to eliminate, either through aquisition or destruction, any and all of it's competition, be it real or perceived.

I do not believe that the current remedy will deter Microsoft at all; it will only serve to encourage them, as they will surely view this a a mere (and inexpensive, for them) slap on the wrist.

Thank You,
Harley Privitera
50 Salisbury St
Worcester, MA 01609
CC:jhp@jhp-0.dsl.speakeasy.net@inetgw

MTC–00018524

From: Richard Tidd
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

I find the currently proposed settlement in the Microsoft antitrust case disturbing. Simply, it is thoroughly ineffectual. Microsoft has a long history of stifling innovation in the software industry through its anti-competitive practices. An appropriate settlement would restore competition to the operating system, browser, and office applications sectors of the software industry. The leverage that Microsoft currently holds in these areas prevents the necessary competition that leads to innovation.

Rick Tidd
Senior Research Engineer
Rutgers University Marine Field Station
800 Great Bay Blvd.
Tuckerton, NJ 08087
tidd@imcs.rutgers.edu
phone: (609)296–5260 X241
fax: (609)296–1024

MTC–00018525

From: Mitch Lee
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Dear Sir,

I am a US citizen in San Francisco and I would like to express my concern at the Proposed Final Judgement. As a software engineer, I have been keeping tabs on the DOJ vs. Microsoft trial from the beginning. I have seen their corporate bully tactics in the courtroom and in the industry and I am appalled that the Proposed Final Judgement does nothing to address this. It is clear that Microsoft is a monopoly and has used their position in the past to leverage their market and even eliminate some promising new technologies. The Proposed Final Judgement should have some effect in terms of leveling the playing field as well as punishing Microsoft for engaging in monopolistic practices. My personal opinion is that they should release the source code to their Windows operating system as they have closed their internal API's in order to create a system of dependence. Thus third parties are wholley reliant upon Microsoft's ''kindness.'' Please do not allow this to happen. Recently there was a fantastic CPU called Alpha which was owned by Compaq and sold to Intel. This technology was years ahead of Intel's own processors but Intel is not buying it to improve upon it but so that it goes away quietly. I understand that better technologies don't always win, but Microsoft has used their monopoly to quash other promising ideas. Please do not agree to the current Proposed Final Judgement but improve upon it. Thank you for your time.

Sincerely,
Mitch Lee

MTC–00018526

From: WizSupport.com
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

To whom it may concern;

My name is Peter Petersen. I am a professional in the IT field. I am a Certified Professional in both Apple and Windows PC technologies; I make my living fixing problems in other folks'' computer hardware and software. I have been involved as a professional in the computer industry in one aspect or another for several years now; I have, in the past, been involved in PC hardware and software sales as well as retail management. Most currently I am engaged as an entrepreneur, starting my own computer repair/tech support business dealing with PC Wintel and Macintosh hardware and software. I am writing to voice my opinion on the Microsoft Antitrust Settlement proposal.

As an IT professional, I have seen the computer industry take shape from the early days of hobbyists building Heathkit PC's from parts, to the rise (and fall) of the IBM PC, to the move toward mainstream that the PC software industry took in the early 1990's, through the explosion of the World Wide Web that brought the internet out of the realm of students, educators, government agencies and hackers, and into the public mainstream. I have seen Microsoft's rise to dominance as a company and have often ruminated on what shape our industry would have taken if Microsoft had not been the dominant, agressive business they are. To the contrary of what I'm sure the pro-microsoft people are saying, the technological world would not have ground to a halt without Microsoft. In fact it is my belief that the exact opposite would have occurred; our technology level over all would be at a much higher level than it is now if there were no Microsoft.

One of the most telling examples of how Microsoft's business practices have shaped our current state of technology is in the world of consumer software and home PC peripherals. I have been in this industry long enough to remember the way computer manufacturers did business before the ''Microsoft Way'' became commonplace. It went something like this: 1) Company X designs and writes software code (or builds printer, scanner, etc). 2) Software is tested and tested; bugs in programs are found and fixed. 3) Program or device works and is 100% satisfactory before it ever hits store shelves. 4) If, for some reason, there are problems after it reaches the marketplace, they are handled by a qualified support staff who are fully trained to address problems with that device or program. This process sometimes means a product is late getting to the marketplace, but it almost always works once it gets there. Now: Enter Microsoft, who is self-admittedly more concerned with meeting product deadlines than meeting quality standards. Microsoft develops a similar product to Company X, but they spend less time and money on quality assurance. As a result, their product arives at the marketplace sooner and costs less to consumers. Company X is forced to cut corners in order to compete. The first thing Company X cuts out of their budget is their lengthy Quality Assurance process; that way they'll be able to at least keep up with Microsoft's deadline.

Nevermind that they now are releasing a knowingly-imperfect product ahead of schedule. But in order to compete with Microsoft's lower price, they are also forced to cut their post-purchase support; which means the chances of the imperfections being fixed after the product leaves the store shelves are also less. Most manufacturers have no choice but to rely on automated telephone menus or ambiguous FAQ web pages instead of live people talking customers through their problems; if a program has serious flaws the manufacturer might release a version update patch. In any other industry a company would be in serious trouble if they knowingly released a product before it was ready for consumer use. Nowadays, however, most computer softare and hardware manufacturers are doing just this because it is the only way they're able to compete with a company that gives away their product or forces it on people as an integrated part of their operating system. It has become an accepted business practice in the computer industry to release products regardless of their flaws, and it's my opinion that this would be vastly different without the dominance of Microsoft in the picture.

Some of the Microsoft rhetoric I have heard contains words like ''Innovation''. Clearly, Microsoft's definition of this word is a different one than that which the rest of the English-language-speaking world uses. Microsoft has never innovated anything—even their first official operating system product, MS-DOS, was purchased from Seattle Computer Works before being licensed to IBM for use in the first IBM

Personal Computer. I'm sure by now you've heard all of the stories about Windows being modeled after the Macintosh operating system; Microsoft's other ''flagship'' product, Office, is made up of components that had their beginnings in other programs as well. Excel wasn't the first spreadsheet program; that honor goes to VisiCalc. MS Word is not the first graphical word processor; many companies developed similar products for the (pre-Macintosh) Apple II and Commodore 64 platforms before IBM PC's were even sophisticated enough to handle such graphics-intensive products. Even the concept of an ''Office Suite'' of programs is borrowed from AppleWorks, a venerable integrated software package that also hails back to the early Apple II days. In the entirety of Microsoft's impressively-large catalog of software products, there is not a single one that is based on an original Microsoft idea. They all have their roots in products that were first conceptualized at other companies. Most of those companies are now either out of business or have been purchased outright by Microsoft and ''brought into the fold''.

It has been argued that any punishment of Microsoft would have devastating effect on our economy. I believe this is not true; if anything the economy would be stimulated by such an action. If Microsoft were forced to compete on an even level with other companies, they would find it necessary to spend the money and time necessary to insure their product's quality before releasing it; this would give other companies a chance to do the same. The industry's overall quality of products would increase, and the amount of jobs at every tech-sector company would increase as companies would hire more employees to bolster their Quality Assurance departments. It would also give an edge to companies developing alternative operating systems like Linux which would allow them to gain a more competitive market share.

One possible alternative to an outright breakup of the company would be an injunction requiring them to freely distribute the source code to their operating system and browser products. This would put them on even footing with Open-source operating systems (Linux, FreeBSD) and Browsers (Opera), and would guarantee fair business practices by effectively removing the operating system/browser integration war from even being an issue. Microsoft could still charge $300 for their Office products if they wanted to, but there wouldn't be any way they could financially exploit their dominance in the operating system market; they wouldn't automatically get $100 for every PC sold as is the case currently. This in turn would change the incentive in developing operating systems from one of profit to one of functionality and stability—which would eventually translate to better products.

Thank you for taking the time to read; in parting I urge you to do whatever is necessary to limit Microsoft's ability to suppress the computer industry's overall quality by forcing other companies to adopt Microsoft's poor quality standards in order to stay competitive.

Sincerely,

Peter Petersen

MTC–00018527

From: Carl Johnson
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

The attached letter is offered as support for the settlement planned for the Microsoft anti-trust case.

January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is to show my support for the settlement planned for the Microsoft anti-trust case. In my opinion, the legal action taken was unnecessary and cost the taxpayers'' millions of dollars. As a result, the opportunity to compromise should be accepted without further delay.

It is my understanding that Microsoft has taken several actions with this deal that should satisfy its opponents. They will offer competitors the opportunity to operate their software within the Windows platform; in addition, Microsoft will provide unprecedented access to its internal interfaces and server protocols. Competitors will also enjoy the ability to license Microsoft's intellectual property as well.

I believe that this agreement was mediated fairly and will help Microsoft's rivals compete with Microsoft over market share in the coming years. Please allow this deal to proceed, so that Microsoft can focus on what they do best ... creating great technology.

I thank you for your time.

Sincerely,
Carl Johnson
8050 Daniel Place NW
Silverdale, WA 98383

MTC–00018528

From: Ched Switzer
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Microsoft's settlement proposal is trying to pull the wool over your eyes.. Don't settle for their trickery...

MTC–00018529

From: khb@phys-ha1mpka.eng.sun.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement
To: Renata B. Besse
Antitrust Division
US DoJ
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Keith Bierman
1532 Norman Av
San Jose, CA 95125
Software Developer

The PFJ is inadequate. Since the DoJ won the case on it's merits, I find it amazing and disappointing that the PFJ essentially leaves Microsoft both free to continue using the same tactics and essentially free from any meaningful penalty.

http://www.kegel.com/remedy/letter.html provides a short list of things that are wrong with the PFJ. I am sure that there are many more things wrong with it (actually, having read the PFJ a few dozen times, I couldn't see where to start. There is so little that is right).

I urge the DoJ, the Court and the Executive Branch to reconsider this ill-advised settlement. Anti-trust and fairness aside, please consider the dire long term consequences to US security if this monopolist continues to gain market share and eventually take over the server marketplace (displacing mainframes, etc.). Public posturing aside, this Monopolist has consistently left gaping security holes, hidden the evidence, stonewalled researchers and otherwise imperiled that fraction of the computing population dependent upon their services.

A monoculture is always dangerous for an ecosystem. A flawed computer OS monoculture will imperil our nation.

Your attention in this matter is appreciated.

Keith Bierman

MTC–00018530

From: Michael Nunamaker
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

Hi,

I believe the currently proposed settlement with Microsoft is a very bad idea. Microsoft appears to me to have ignored previous directives of the courts. I believe that only a structural remedy (i.e. a breakup) will actually accomplish a true remedy to Microsoft's monopolostic practices.

Thanks for your time,
Mike Nunamaker
Computer consultant since 1982

MTC–00018531

From: Jose Rodriguez
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement
Jose Rodriguez
212 Rock Road West
Lambertville, NJ 08530
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers.

With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jose Rodriguez

MTC–00018532

From: jdw
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

Dear Sir,

I do not think that the US Government should settle the case with Microsoft. Please continue to pursue the heaviest penalty and not settle this case.

Thank you,

Jeff Wandling
27801 SE 43rd St.
Fall City, WA 98024
206–605–2278

MTC–00018533

From: Richard Ernst
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

VERY sincerely,

Richard W. Ernst
rich.microsoft@rernst.com

RUSSELL PAVLICEK: ''The Open Source''
from InfoWorld.com,
Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted. Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00018534

From: Russell Schoof
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

This message is to express my opposition to the proposed settlement of the Microsoft antitrust case. My opposition is based on two primary concerns:

1. I see nothing in the settlement that will have the practical effect of restraining Microsoft from continuing its predatory monopolistic practices. I am particularly concerned that those who currently provide the only credible competition to Microsoft in opertating systems—Open Source developers of products such as Linux and FreeBSD—receive no protection whatsoever. Does the Department of Justice actually believe that Microsoft will not direct the immense power of its many billions of dollars at these projects in order to destroy them?

2. Giving Microsoft software to schools will further its monopoly by allowing the company to do precisely what it is not supposed to do: give away its software and thereby drive away competition (from Apple, which currently has a substantial share of the educational market), and later force the schools to pay to upgrade to future versions.

I have been a user of Microsoft productivity and development software for fourteen years, and I have made a living from it as an independent consultant. I am now in the process of moving myself and as many of my clients as I can to non-Microsoft products. I do so because the other software is of higher quality and value, and because I have grown to despise this company that does all it can to lock users into its increasingly mediocre products, then extorts money from them by forcing an unending stream of unnecessary upgrades. In dealing with the company as a customer, I have become convinced that Microsoft management is, in the end, interested solely in money and the power that large quantities of it brings to gain ever more.

Russell Schoof
rschoof@molalla.net

MTC–00018535

From: Jeffrey Walls
To: Microsoft ATR
Date: 1/23/10 4:32pm
Subject: Microsoft Settlement
Regarding: Microsoft Corporation Antitrust
Litigation Settlement Agreement,
MDL Docket No. 1332

Dear Honorable Judge Frederick Motz,

The reasons why I feel that the settlement is unfair and does not properly compensate the plaintiffs for the charges they have filed against Microsoft in their civil suits are the following.

The final outcome of the settlement will be a very large program aimed at training our students attending the underprivileged K-12 schools and their teachers on how to use Microsoft software.

This program is designed to guide the teachers on how to use Microsoft software in their education curriculum. The computers purchased through this program will be limited to those which are certified by Microsoft. This means that these computers will be configured to run Microsoft software.

The settlement excludes completely the ability for rival software companies from providing software and services to these underprivileged K-12 schools, which compete directly with Microsoft's own software products in the PC software market place.

The fact is there is a budding new software industry based on free software otherwise known as GNU or Open Source software. The term free applies to both free in cost and free as in freedom. This new software industry is based on software written by many programmers working together through loosely tied collaboration using the communication tools provided by the Internet. (e-mail, file transfers, web browsing).

These same tools of communication and methods of collaboration which the Internet provides, are the ones which we wish for the students of the underprivileged K-12 schools to take advantage. This is due to the fact that this is the same modality by which our scientists use to achieve the latest advances in science and technology.

I am also very much aware that Microsoft is working to try and stop this new software industry based on GNU/Open Source

software. This GNU/Open Source software industry is one of Microsoft's biggest concerns since it threatens its dominance in the personal computer software market. The current settlement is structured to directly shut out this segment of the software industry.

I am also aware that countries around the world are starting to use GNU/Open Source software since it is freely distributed (as in zero cost and without distribution restrictions) across the world through the Internet. One segment of this world population who is taking a keen interest in this software are the schools in these foreign countries because it provides a way of upgrading their computer systems with little or no cost.

I would like the students of the underprivileged K-12 schools to be given a chance to take advantage of the benefits of this GNU/Open Source software provides, as are the students in countries around the world. This can only be done by changing the settlement terms of this class action suit.

I would like for you to act in the following matter in regards to this case.

Ensure that the plaintiffs understand our concerns regarding their settlement with Microsoft. Ensure that the attorneys representing the plaintiffs, in this civil class action suit, inform their clients that there are no provisions in their settlement to allow for free and open competition for the needed software products used to upgrade the computer systems for these underprivileged K-12 schools.

I have recommend that you change the terms of the settlement such that Microsoft have no say what so ever in how the money of the settlement be spent. This should be accomplished by having Microsoft donate cash grants to the underprivileged K-12 schools which were targeted in the original settlement. The size of the individual grants should be in proportion to the number of students enrolled in the school. The schools should then be directed to spend the money on computer hardware, software, networking infrastructure and Internet connection bandwidth for systems used by the teachers and students, as they best see fit for themselves. I emphasize that these funds be restricted to upgrading the IT infrastructure just mentioned, used directly in the classroom environment. These would be upgrades to system used in general class rooms, libraries, science labs, computer clubs or which ever other teaching forum the school has developed for the teaching of their students. The role of the Foundation, as created in the settlement agreement, should expend its efforts to ensure this funding policy be enforced.

Furthermore, in order to ensure that Microsoft has no part in directing how the settlement funds be spent, the Foundation created to manage the settlement funds should be made up of people from our leading science and education institutions. Examples of the people who should be sought to sit on the blue ribbon board of this foundation would be the head of the National Science Foundation, the head of the National Academy of Sciences, the Presidential Science Adviser, directors of our national laboratories, presidents of our renown universities, heads of teachers unions, the Secretary of Education, the Secretary of Commerce or other people who have great knowledge of both education, its advancement and the free and open market system upon which the strength of this country is founded. The task of forming a search committee for these board members should be given to you, Honorable Judge Motz, or someone to which you delegates this task.

I wish to thank you for your time and your assistance with this important matter.

Jeffrey Walls
110 Saint Thomas Road
Lancaster PA 17601
717 560–9146

MTC–00018536

From: mminor@healthmedia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

The Micorsoft settlement is not thorough enough, in my opinion, to keep MS from doing what they are doing to competitors now. It will simply take them a few more days to push out other Operating Systems or software browsers from the market by controlling how the core OS deals with 3rd party software. They need to be made accountable for their lack of support to other vendors who can not sell their products because MS has not made it a priority to help other companies work on a level playing field. By allowing 3rd party vendors to flounder, they can keep their own products in the consumer's homes.

Matthew S. Minor
Manager, Graphic Design
HealthMedia, Inc
734.623.0000 x255
mminor@healthmedia.com
<mailto:mminor@healthmedia.com>

MTC–00018537

From: charris@rtcmarketing.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

I have been involved in the use of computer software for many years now, from long before the domination of the PC by Microsoft. The standardization of software API's is a good thing, but in my opinion Microsoft has brought the software platforms to a mere shadow of what could have been achieved had the programming interface to their OS been truly open. Too many good products have gone by the wayside as MS brought out their own version, often poorly implemented. The WWW is a prime example. I truly dislike the IE explorer, however, the MS implementation of Java has forced web pages to support multiple implementations of Java, with the result often that the only one which works is the one for IE.

This behavior *must* be stopped. What does it truly show if the US wins an antitrust suit and then gives a stamp of approval to the same behaviors? In my opinion, the original court order to break up MS didn't go far enough.

Please take the appropriate action with this settlement. Don't let the public down this time.

Regards,
CW Harris
Smithfield, UT

MTC–00018538

From: Kovalid Inc
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Your Honor:

Your Honor:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

All my best,
Jason Spisak
6302 West Olympic Boulevard
Los Angeles, Ca 90048

MTC–00018539

From: Colin Steele
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

I think this settlement is a travesty and a gross miscarriage of justice. Microsoft is a MONOPOLY. There's no longer debate about it; consumers suffer because of Microsoft's practices. Please put a proper end to their monopolistic behavior. The current settlement is simply unacceptable.

Colin Steele

MTC–00018540

From: Fred Isaacs
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

I have been a software engineer developing commercial products for over thirty years. Microsoft is not the first company to dominate my industry by competing unfairly; IBM monopolized the hardware and software market in the mainframe era. Whenever any company dominates the computer industry, innovation suffers. We see only the products that they bring to market and we are denied the progress which comes from competing ideas as embodied in competing products. I enjoy working in software products where there is free competition; my customers get better products because of it. Microsoft has already been found to have indulged in

anticompetitive practices. The plan proposed by the 9 states seems to have some hope of moderating Microsoft's behavior in the future. The plan proposed by the DOJ seems most unlikely to change anything. I would like to see the plan proposed by the states become the judgment enforced by the courts; that might help to restore competition in the personal computer software industry and benefit us all.

MTC–00018541

From: zggycarl3@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: microsoft settlement

hello, this does not require a whole lot of extra hyperbolic trogonometry. its kind of like in ''we hold these truths to self evident''. it would be very difficult to think of something more inexcusable, preposterous, and obscene than to turn microsoft loose on the school system with their criminal scam. these are just impressionable childrem that don't know any better. i was wondering how long it would take them to jump on the terrorism bandwagon. sure enough, now they are renewing their efforts to stop ''piracy'' of their ''software'' to fight terrorism. not only do they need to be split up, they need to just flat out be shutdown. what reasonable person is not against terrorism but using ''fighting terrorism'' to further criminal agendas is beneath contempt. and it's not just that. everything they do is way out of line. how can anyone fail to see it? this proposed settlement is not only worse than nothing but actually leaves them in better position to do even worse than ever before than ever before. please do the right thing.

yours truly
carl ziegler

MTC–00018542

From: Jeffrey Curtis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Jeffrey Curtis
Sr. Software Engineer
Aether Systems, Inc.
88 Froehlich Farm Blvd
Woodbury, NY 11797
Tel:(516) 918–4514

MTC–00018543

From: Dan Compton
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea!

Sincerely,
Dan Compton

MTC–00018544

From: Kovalid Inc
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

Your Honor:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

All my best,
Jason Spisak
6302 West Olympic Boulevard
Los Angeles, Ca 90048

MTC–00018545

From: Paul Cory
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I object to the proposed Microsoft settlement, on the grounds that it will not effectively inhibit the company's anti-competitive practices. In fact, some of the remedies will actually remove competition from the market. To wit: ''Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers. ''

This allows Microsoft to charge for its basic networking protocols, shutting out Open Source, volunteer produced software, as well as small ISVs. For example, SAMBA is software that allows non-Microsoft operating systems (linux, Mac OS X, OpenBSD, and so on) to connect with Microsoft servers using the Microsoft protocols. SAMBA is an volunteer, Open Source software product: it has no money to pay license fees, no matter how ''reasonable.'' To really open the marketplace, the above quoted section should read: ''Microsoft will make the details of the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers freely available in the public domain in a timely manner. Timely manner means the details will be published publicly six months before such protocols are incorporated into official versions of any Microsoft product.''

This would allow anybody, including volunteer projects, to create software to connect to Windows servers. In addition, it prevents Microsoft from delaying the release of the information for competitive advantage. This is only one example of the many holes, omissions and otherwise questionable provisions of the proposed settlement. A more complete list is available at: http://www.kegel.com/remedy/remedy2.html . If the proposed settlement is accepted in its present form, it will not open the marketplace. It will only serve to improve Microsoft's monopoly position, and leave the customer with less choice and higher prices than before.

Sincerely,
Paul Cory

MTC–00018546

From: Clark Elliott
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I do not believe that the settlement goes far enough in guaranteeing a competitive marketplace. I think MS has some terrific products, but I also know that they could, and would, do a much better job if they faced real competition, competition which has been severely hampered by the current environment. As a U.S. citizen I am commenting that I believe that money talked in creating this settlement, and that the best interests of the country have not been served. I would like further review, and some significant changes in protections for smaller competitors, and for other operating systems to explicitly run MS products.

Best regards,
Clark Elliott

MTC–00018548

From: Casey Kimbrell
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

To Whom It May Concern,

It's already happening. Microsoft is attempting to compromise the very integrity of our local, state, and Federal Governments through promises of free and discounted products and services. Is it not clear through past presedent and behaviour that Microsoft is not just a ruthless competitor, but un-yielding to the most basic of American Tradition, Principles or Business Morality? Microsoft will not yield in it's endeavor to dominate and control. Ever. There seems no limit to the size of the Microsoft appetite for wealth and power. Nor does there seem any limit to the business, or geographical domain of Microsoft desire. Do We, as Americans, really want to be responsible for creating another global monopoly like DeBeers? Is this in the best interest of either the American people, Innovation, or the Global Economy? I think not.

Microsoft is a convicted corporation. They are a company found guilty in US court of law of serious offenses against the American Public. From past behaviour, indications are that it is highly likely that Microsoft will continue to violate US Law, and trod on American Values. They should be prosecuted accordingly.

E. C. Kimbrell

MTC–00018549

From: Beasley, Jason, NPONS
To: Microsoft ATR
Date: 1/23/02 4:41pm

Subject: Microsoft Settlement

I am writing to register my displeasure with the Proposed Final Judgement for the Microsoft antitrust lawsuit. As the settlement stands, it does little to protect vendors, developers, or competitors from Microsoft's predatory practices (and the little it does is easily surmountable), neither does it seek redress from Microsoft for prior illegal actions.

Sincerely,
Jason Beasley
Network Engineer, AT&T
St. Louis, MO

MTC–00018550

From: Patrick Visniewski
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

The settlement is a bad idea. The proposal will ultimately be ineffective and very difficult to enforce. For such a large software company, the proposed settlement will be very easy to work around. Also Microsoft has shown a history of ignoring court orders.

MTC–00018551

From: David Strom
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:45pm
Subject: microsoft settlement

January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing on behalf of the over ten thousand Minnesotans who are involved in the Taxpayers League of Minnesota to express our opinion on the Department of Justice's proposed settlement with Microsoft.

The Taxpayers League of Minnesota has always held the position that pursuing the antitrust case against Microsoft was not in the public interest. Our position has been based on the judgment that the harms to consumers claimed were wholly speculative, while the harm to Microsoft, its shareholders, and the overall economy of pursuing the case are actual and clearly visible. It is our belief that antitrust cases should not be pursued simply to protect competitors in a marketplace, but solely to protect consumers from harm.

We believe that it is in the interests of taxpayers, consumers, stockholders, and Americans interested in the long-term health and vigor of the economy to settle the Microsoft case as quickly as possible. Regardless of the original merits of the antitrust case against Microsoft, it is now clear that continuing to pursue this case will serve no useful purpose. There can be no doubt that the economy functions best when the marketplace, not policymakers, dictates outcomes. We strongly believe that while it is in the public's interest to ensure a competitive marketplace, in practical terms the monopolies that are most destructive are usually created by government, rather than those regulated out of existence. Microsoft's dominance in one or two segments of the software market has been created not despite, but rather because of a strongly competitive marketplace that has served consumers well. It is a serious mistake to use the coercive powers of government to punish businesses for their success within the marketplace.

The overwhelming preponderance of the evidence suggests that consumers have benefited substantially from Microsoft's competitive business practices. Software is far more flexible and reliable every year, and consumer choice has expanded exponentially due to the ubiquity of home computing and access to the Internet-developments which could not have occurred without Microsoft's relentless innovation and competition in the marketplace.

By almost any reasonable measure, the value delivered to consumers by the computer industry has skyrocketed over the past 20 years-leading to one of the fastest rates of adoption of any new technology in history. It is simply absurd to suggest that the dominance of Microsoft in the personal operating systems market has hurt consumers, when the evidence to the contrary is overwhelming. It would be difficult to argue that the expansion of the internet or home computing could have occurred as quickly as they did without the innovations pushed by Microsoft-including the integration of tcp/ip and Internet browsing capability into the operating system.

The assertion that Microsoft is a destructive monopoly is, in our judgment, rather arbitrary and capricious. Microsoft is clearly not a monopoly in the software business in general. It is not even the dominant player in the operating system market in general-in fact, flavors of UNIX still dominates the server market. In fact, Microsoft's dominance in operating systems is confined to the home computing market, and even there it is confronted with strong competition from Apple Computer's Mac OS X, and the freely distributed Linux operating system.

It is clearly in the nation's interest to resolve this case as quickly as possible. As long as there is substantial uncertainty in the software marketplace, competition and innovation will be inhibited, and the incentive to invest will be reduced. At a time of increased economic uncertainty and reduced business investment, it is vital to remove this drag on the American economy.

Thank you for the opportunity to comment on this matter,

Linda Runbeck,
President,
Taxpayers League of Minnesota.

MTC–00018552

From: BYERLYBETSY@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Litigation

Microsoft has been punished for their role in the extreme advancements made in the field of technology. It is enough! Stop the foolishness and get back to work.

Elizabeth Byerly

MTC–00018553

From: Bill Gilliland
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

Hello;

I am a graduate student at UC Davis, who uses a variety of computing platforms (Mac OS 9/X, Solaris, Linux, Windows) and I am very concerned about Microsoft's monopoly. I think their business practices are extremely harmful, with the lack of competition in both the OS market and the applications (e.g. Office) market being very detrimental to me as a consumer—denying me a choice while raising the cost to me of doing research. There are also clear indications that they are planning to throttle emerging markets with extortionist licensing policies, e.g. the .NET initiative, which threaten to prevent possibly very beneficial competition before it even gets started.

I encourage you to take the necessary steps to punish Microsoft for their clear and willful violations of the Sherman act, and structural steps to prevent future abuses of their market power.

Thank you,
Bill Gilliland
Davis, Ca

MTC–00018554

From: Jammys2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make it the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA). It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under

this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows: ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.'' In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities.

Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Bree Baskin

MTC–00018555

From: Clark Elliott
To: Microsoft ATR
Date: 1/23/02 4:32pm
Subject: Microsoft Settlement

I do not believe that the settlement goes far enough in guaranteeing a competitive marketplace. I think MS has some terrific products, but I also know that they could, and would, do a much better job if they faced real competition, competition which has been severely hampered by the current environment. As a U.S. citizen I am commenting that I believe that money talked in creating this settlement, and that the best interests of the country have not been served. I would like further review, and some significant changes in protections for smaller competitors, and for other operating systems to explicitly run MS products.

Best regards,
Clark Elliott

MTC–00018556

From: RKing66208@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Microsoft Settlement

As a practicing lawyer completely uninvolved with the antitrust case against Microsoft, I firmly support the proposed settlement for the following reasons:

1. It is in the best interest of the consuming public;

2. It is a saving to the taxpayers by bringing to an end this expensive litigation;

3. It creates an even ''playing field'' for Microsoft's competitors who were primarily responsible for bringing pressure on the Department of Justice to initiate the original litigation against Microsoft.

This letter is written by a private citizen who believes wholeheartedly in the free enterprise system.

MTC–00018557

From: Joe Weber
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I am writing to express my strong disapproval with the proposed Microsoft settlement. The proposed settlement fails to protect consumers and competitors, and fails to punish a convicted monopolist. Basic economics teaches that monopolies extract capital from consumers which otherwise would be available to them in a free market. This money needs to be returned to the public, even if through fines paid to the FTC. The proposed settlement does not do this.

Of the many problems with the settlement, I can comment on the problems with Definition J of Microsoft Middleware. By extending its operating system to include functions which are clearly in the application domain, Microsoft in the past killed competition by using their monopoly to obsolete legitimate applications from third parties. This allows them to remove a competitor in their application business without having to compete in the open market. Definition J is contrary to all established definitions of middleware which would protect consumers. Instead it allows multiple ''loop holes'' for Microsoft to use to continue their illegal and anti-competitive behavior. Middleware is a set of API's that allow a clear distinction between application and operating system. Simply changing version numbers, or sending code as an update, does not change this definition. Yet Definition J allows both obvious and blatant loopholes to allow a non-standard, and favorable to Microsoft, definiti! on of middleware. This must be changed if their is to be any attempt at a fair settlement.

Joe Weber, PhD.
Sr. Technologist, Advanced Platforms
CableLabs
400 Centennial Parkway
Louisville, CO 80027–1266
303.661.3804 (direct)
303.661.9100 (main)
303.661.9199 (fax)

MTC–00018558

From: EXT-Hildreth, Ramon X
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

This is a bad idea. The issue of microsoft and the anti-trust case needs further study and examination. thanks.

MTC–00018559

From: Barbara O'Connell
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Microsoft Settlement
To: Department of Justice
Re: Microsoft Settlement

The settlement purposed for case United States v. Microsoft is not acceptable to me as a consumer. Microsoft's anticompetitive actions over the past decade have forced consumers to accept poor quality software in order to use desired quality software. If it were possible to choose the operating system platform on hardware purchased at the consumer and business level, the consumer would do so. A settlement must robustly support the entry of alternative operating systems in the market at Microsoft's expense. There must be a level-playing field for the consumer to make a judgement about which product to purchase. I make these statements solely on my personal opinion. I do not speak for my employer or any other individual or entity. I do speak as a consumer and computer professional.

Thank you,
Barbara O'Connell

MTC–00018560

From: David Linville
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

I believe the proposed settlement does not impose a strict enough penalty on Microsoft. It is important to ensure that Microsoft does not retain the profits it illegally obtained as a monopoly.

MTC–00018561

From: James Kelly
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

Sirs,

The proposed settlement is not going to be successful. What needs to be done in its place is to require Microsoft to support an open, standards-body-based document-interchange format for all of their office productivity applications, rather than allowing them to continue to control the office productivity market through their control of de-facto ''standard'' document formats. This will allow real competition in the office productivity suite market. Also, there needs to be an appointed, single, powerful, special master: one knowledgeable individual with the experience to understand Microsoft's evasive tactics and the power to force their compliance with the terms of the settlement.

Thank you,
James Kelly
7912 Horseshoe Trail,
Orange, California

MTC–00018562

From: Michael Cole
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Hello, my name is Michael Cole. I live in San Francisco California. I am writing about the proposed Microsoft Settlement. I am against the proposed settlement. I think the settlement is weak and changes very little with regards to Microsoft's ability to bully

OEM's. Microsoft has shown little good faith in the past and the proposed settlement depends heavily on that good-faith. The publishing of documentation about the API's does VERY little to limit their monopoly. These API's can change at any time and don't even need to be documented well. How exactly does requiring a monopolist to publish how their product works equate to a remedy for their monopoly? In closing, I think the settlement has very little teeth and will, in the end, only secure Microsoft's position as a monopolist by providing a way for them to say ''look, I follow these rules, I CANT be a monopoly'' Please consider a more permanent, structural change to the company—a settlement that does not rest on their good-faith.

Best regards,
Michael Cole

MTC–00018563

From: Marion Bates
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. In particular, I am concerned that the PFJ fails to prohibit anticompetitive license terms currently used by Microsoft. For example: Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems. A portion of the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Quote from http://www.kegel.com/remedy/remedy2.html, Dan Kegel's essay on the PFJ: ''Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.'' The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Marion Bates
Institute for Security Technology Studies
Dartmouth College
Hanover, NH
Phone: 603–646–0739
Fax: 603–646–0660

MTC–00018564

From: spam@ugcs.caltech.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

I am writing to insert my voice under the Tunney Act proceedings in the case of US DOJ vs Microsoft. I think the proposed settlement is a Bad Idea. I have been writing software for 10 years: C/C++, Java, Perl mostly on a Unix platform (commercial or open source). Microsoft products and their anti-competitive practices have caused enough damage. It is time to take decisive action and punish them enough to prevent future abuses. I do not think the proposed settlement addresses the issues.

Sincerely,
Damian Martinez
266 S. El Molino, Apt #6
Pasadena, CA 91101
home: 626–390–6846

MTC–00018565

From: Eaton, Harry A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I am opposed to the proposed Mircosoft Anti-trust settlement. There does not appear to be anything within the settlement that ''denies to the defendant the fruits of its statutory violation'' as required by the Court of Apeals. There are also a great many technical terms within the proposed agreement that are not defined, and others that are too narrowly defined, leaving the door wide open for interpretations that would render the settlement meaningless. Bill Gates'' own deposition showed an amazing willingness to stretch the meaning of ordinary language beyond all reasonable comprehension. Please review his video deposition while thinking about what he might think the language of the settlement means to him. The bundling of Internet Explorer into Windows seemed to me to twist the meaning of the terms in the original consent decree, and the Justice Department thought so too.

The proposed settlement does very little to actually lower the barrier to competition and nothing to penalize the company for its misconduct. No doubt, Microsoft has already reaped billions of dollars additional revenue due to their illegal conduct, and the resulting additional strength of their monopoly position from their illegal conduct will not be diminished by the proposed settlement. It appears to be a sweetheart deal given to an un-repentant corporation that knowingly engaged in criminal conduct. There is also very little likelihood that Microsoft's future behavior will actually conform to what the Justice department thinks it is agreeing to. I expect that there will be endless litigation about the meaning of terms like ''middle ware'', just as all ordinary terms like ''bundled'', ''integrated'' etc. were disputed in the trial court. Minor modification to the proposed settlement will do little to fix its problems. It must be scrapped in favor of one that will actually serve to increase competition in the marketplace and really deprive Microsoft of the fruits of its illegal conduct.

Sincerely,
Harry Eaton
6697 Buttonhole Court
Columbia, MD 21044

MTC–00018566

From: Thomas P. Taggart
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

Hello,

My name is Thomas P. Taggart, and i am a 19 year-old student at Penn State university. Having followed parts of the Government's Anti-trust case against Microsoft, I am appalled to know that the court system, and our government would agree to such a settlement. It is a very horrible idea, that should not proceed any further. I put my faith in our government to listen to the people, and what they feel should be down with this settlement.

Yours,
Thomas P. Taggart

MTC–00018567

From: Perl Hacker
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Sir:

I do not agree with the proposed Microsoft settlement. It does not address any of the issues at hand in a significant fashion. Letting the current settlement stand amounts to nothing less than complete capitulation on the part of the government. Once, there was a vibrant, competitive desktop software industry. Now, the desktop is dead and stagnant. People are, for the most part, forced to use Microsoft's substandard crapware because the great MS used their monopoly to crush anyone else writing software for the desktop. They did it with Netscape, with Wordstar, with a thousand other apps they thought might threaten their profits. The desktop is dead because Microsoft likes it that way. Now you're probably being deluged with jerks writing on the behest of Sun or Microsoft, saying that they're Writing Out of Civic Concern (while their manager prods them on). I am not writing for either of those reasons. I am writing you because I am Damn Well Pissed Off. I am angry because my mother reboots her PC three times a day in order to do her accounting practice, and it doesn't occur to her to find something better or get something better because theres NOTHING ELSE. I am angry because Microsoft is the sole Ma Bell in a country that cant have an MCI or a Supra Telecom or a Sprint because Ma Bell owns all the copper wires, all the terminals, and all the equipment attached to it, and buries anyone who tries to introduce a competing product with its monopoly power. I am angry because whenever someone comes up with a Windows-compatible operating system, Microsoft sues them, and the government complacently looks at this blatant anticompetitive behavior and does nothing. Bill Gates said it himself—''better doesn't matter.'' Dont let Microsoft get away with this crap. Read Dan Kegel's open letter here: http://www.kegel.com/remedy/letter.html and learn why Microsoft does not deserve your pity.

Jeff Craton
Systems Administrator

MTC–00018568

From: Christopher Bengtson
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

110 Francis Avenue
Mansfield, MA 02048
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The intention of this letter is for me to go on record as being a supporter of the settlement that was reached between Microsoft and the Department of Justice. I was never supportive of the antitrust settlement against Microsoft in the first place, but am relieved to see that the lawsuit has been settled.

The government now has the ability to turn its attention to more pressing issues, and can stop wasting taxpayer dollars on the pursuit of Microsoft. Both sides involved have spent way too much time and money on this, and I hope that the settlement will be the answer that we need. The economy is in the dumps, and one thing that could have a positive affect on that is a healthy Microsoft. Microsoft has agreed to enhance its communication with competitors so that everyone in the industry will be able to produce a product that is compatible with Windows. This will enhance the market and stimulate the economy.

I support the settlement, and hope that it is approved as soon as possible.

Sincerely,
Chris Bengtson

MTC–00018569

From: Shawn McCarthy
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

The proposed settlement is a joke; we need a settlement that will SOLVE the problem, not make it worse. A complete breakup of Microsoft into OS, browser, media, etc, with NO interaction between companies permitted (and strong oversight) would be a good start.

Shawn McCarthy
Bowie, MD
Systems Administration Manager (Linux, NT and 2000)

MTC–00018570

From: Michael Peay
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

I would like to express my concern that the proposed final judgment fails to effectively prevent or enforce Microsoft from continuing its anticompetitive behavior and as a result is of little benefit to competing companies or organizations and ultimately the consumer. I would ask that you do not approve this final judgment as written until it can be properly revised.

Sincerely,
Michael Peay
Murrieta, CA

MTC–00018571

From: Robert McNeill
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Microsoft has been predatory in their practices, ranging from threatening retailers if Windows was not pre-installed on computers to their practice of using secrets of the operating system to advance their own Office and Language products. They threaten those who would allow Microsoft's own products to work on other operating systems and try to force them out of business. Their harassment has gone on long enough. It's time to end this. No settlement where Microsoft is allowed to further their kingdom by giving away copies of it's products will solve the problem. If the company is not broken up into separate entities to allow fair competition, at least force them to stop suing people who make products that could potentially undermine their marketing domain. Force them to open up all the features of their product to allow fair competition. This case has gone on too long and has cost the tax payers and Microsoft's competition too much money. Please end this soon and stop Microsoft from advancing their kingdom by suing everyone who tries to compete with them.

Robert McNeill

MTC–00018572

From: k c
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an ineffectual slap on the wrist. If accepted, it will be a horrible blow to the future of the technology industry in the United States. Regardless of what they claim, Microsoft innovated very little technology in the course of it's history. Microsoft has stolen ideas, bought and crushed innovators, and done it's best to squeeze the lifeblood out of truly innovative competition. It's a guarantee that if Microsoft does it, someone else did it better, sooner. MS-DOS, Windows, DirectX, IIS, XBox, and .Net are all examples of technologies that were done better, sooner, by other companies, but were forced out of the market by Microsoft's predatory tactics.

As a computer professional, with a computer science degree, in my experience I have found that a Microsoft solution is invariably technically inferior to it's competitors. I have also found that, with ever increasing regularity, I am forced to use the Microsoft solution because of incompatibility issues that have no technical justification, but are in place only to discourage the use of competing products.

This nation was built on innovation and the ability to produce the best products. Our future in the world economy depends on it. The currently proposed DOJ settlement will ensure that we are only able to progress at a pace that Microsoft dictates, and in a manner with which they approve. If this settlement is accepted, I will lose a lot of respect for the judicial system. I could draw no other conclusion but that the judicial system completely catered to Microsoft's interests, regardless of law, and at the expense of the progress of technology and free enterprise.

KC

MTC–00018573

From: rfrank
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It seems incredibly weak for the damage that has been done. Worse, it doesn't seem to fix anything. How clear do the technical arguments need to be? Apparently they don't matter. I'm disillusioned but the whole process, and I'm guessing it's not too hard for my students to pick it up. Is the Microsoft monopoly so powerful that they cannot be checked?

It seems to me, that with the proposed settlement, Microsoft emerges with pretty much the same powers and I'm guessing will continue the same business practices that have characterized the company all along. Count one vote against the Proposed Settlement.. Like I tell my students: ''You can do better than this!''

Roger Frank
Ponderosa High School, Parker, Colorado

MTC–00018574

From: Jim Pearce
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: Microsoft Settlement

I am a technical consultant based in Tennessee. I have been using microprocessors since my Cornell undergraduate project in 1973. I probably was the first student at Cornell to design a microprocessor into a piece of equipment. I would like to comment on the proposed settlement of US vs. Microsoft. I do not believe it solves the illegal anticompetitive actions of Microsoft in two important areas:

1. Dual boot of operating systems.

2. Availability of source code to the ''free software'' community.

1. Dual Boot. All computers have the ability to have multiple operating systems (OS) resident on their hard drives. As the computer is booting it can ask the user which OS he/she wants to use. This is very common among technically savvy users at the present time. Unfortunately, MS has limited its OEMs from offering this on the systems that they sell with Windows preinstalled. This the kind anticompetitive action that effectively keep the less technical user from experimenting with other operating systems. I believe that MS should be prevented from restricting its licensees from offering dual boot systems.

2. Availability of source code and protocols. MS has said that they will allow businesses to view its source code and protocols. The problem is that MS gets to decide on its own who a legitimate business is. The free software movement is one of MS's principal competitors. If MS is allowed to shield its code and protocols from the writers of Apache, Linux, etc. then they will not, in reality, be disclosing this information to the people who can best use it for competitive products. I believe that a body other than MS should be the gate keeper to the code and protocols. This body should be independent of MS and be under the control of the court.

Thank you for you consideration.
Jim Pearce
254 Babbs Rd.
Lenoir City, TN 37771

MTC–00018575

From: Andrew Worcester
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. As an eight year veteran of the computer industry who has worked for both competitors and advocates of Microsoft, I feel that the proposed restrictions are too narrow in scope and will do little to prevent Microsoft from maintaining and expanding its monopoly. I believe this will have and ongoing negative impact on the consumer and is thus not in the public interest.

To improve the proposal, I would suggest adding specific rights of interoperability to free software projects. These projects are some of Microsofts key competitors, but appear to be almost forgotten by the currently proposed settlement.I also do not believe the current provisions for enforcement are adequate, and that an oversight committee with real powers of enforcement should be added rather then sending further violations back to the courts where they may take years to be resovled.

Sincerely,
Andrew Worcester
Hudson, NH

MTC–00018576

From: Baba Buehler
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: Microsoft Settlement

I believe the proposed settlement is wrong and a bad idea. The damage Microsoft has done to consumers and the industry as a whole far outweighs the megar, almost meaningless penalties in the settlement.

Baba Z Buehler

''Those who are willing to sacrifice freedom for security deserve neither.''
Benjamin Franklin

MTC–00018577

From: Jorgen Carlsen
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: MICROSOFT SETTLEMENT

Gentlemen: Letter has been mailed .
Jorgen Carlsen
2 College Court
Larksur, CA 94939

MTC–00018578

From: Stephen Hill
To: Microsoft ATR
Date: 1/23/02 4:50pm
Subject: Microsoft Settlement

In accordance with the Tunney Act, I am submitting my comments on the proposed settlement for the Microsoft antitrust case. In my opinion, the settlement does not punish Microsoft or help competitors adequately. It seems like the Department of Justice is not interested in the case any more, but I feel that is is very important to the United States.

I have worked in the computers/telecom industry for 15 years, and I can't imaging how different things would be today if there had been real competition. I believe that they have caused significant damage to productivity and the economy. Please reject this settlement and create one that can reduce further damage that Microsoft can do to the industry and the economy.

Thank you
Stephen P. Hill
4431 S. Sacramento Ave
Chicago, IL 60632

MTC–00018579

From: Louis Gerbarg
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

I think the proposed settlement is insufficient. All it does is put in place slight impediments to Microsoft attempting to use some of its former practices. I feel that it in no way penalizes them for their previous conduct.

Louis Gerbarg

MTC–00018580

From: Richard Otte
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea. Microsoft is ruining computing for all of us. Please reconsider.

Ric Otte

MTC–00018581

From: Ben Penning
To: Microsoft ATR
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

Dear Sir:

I do not agree with the proposed settlement. I feel that it is not strong enough in its attempt to curtail Microsoft's monopolistic and anti-competitive practices.

Ben Penning

MTC–00018582

From: Moeller, Karl
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea !!!

Thank you
Karl Moeller
Network & Infrastructure Consultant
SIA
5210 E. Williams Cir.
Tucson AZ 85711
(520)790–4624

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''
Benjamin Franklin, 1759.

MTC–00018583

From: Robert Wills
To: Microsoft ATR
Date: 1/23/02 4:54pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to join many other voices in expressing my misgivings about the proposed Microsoft settlement. I am a developer, and I have found time and time again that Microsoft's undocumented APIs make it very all but impossible to mix Microsoft technology with other types of technology. Any acceptable settlement must require Microsoft to properly document all of its APIs and to not change them without adequate prior notification (as they always do, for example with their use of SMB networking protocols).

Yours faithfully,
Robert Wills

MTC–00018584

From: Larry Altes
To: Microsoft ATR
Date: 1/23/02 4:55pm
Subject: Microsoft Settlement

I am firmly against the proposed settlement. Microsoft should not be allowed to retain the profits it has made with its illegal actions. Any settlement should have vigorous enforcement with heavy penalties for non-compliance, which I do not see in the proposed settlement.

Lawrence Altes

MTC–00018585

From: Ken Curtis

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

I am writing to express my extreme displeasure with the conditions of the Microsoft Settlement.

Specifically, three sections are lacking:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Additionally, Microsoft has continuously acted in a manner contrary to both the law and previous settlements/court agreements. I strongly urge the Department of Justice and the Courts to enforce a much stricter settlement with Microsoft.

Sincerely,
Kenneth J Curtis Jr
4 Centre Street
Danvers, MA 01923

MTC–00018586

From: Jeffrey L. Fishbein
To: Microsoft ATR
Date: 1/23/02 6:02pm
Subject: Microsoft Settlement

I strongly oppose the settlement proposed between several of the states and federal government with Microsoft. Although I do not necessarily agree that the original court-imposed remedy—a breakup—is warranted, I do believe that substantial sanctions and reasonable oversight are called for in this matter.

Neither is provided for fully in the settlement. I believe that the federal government—which represents all those hurt by Microsoft's criminal actions; but especially people like me, who live in a state where the attorney general refuses to protect the citizens from that criminal organization—should rejoin the states who recognize the inadequacy of the proposal.

Further, I believe that the government should step in and try to prevent the ludicrous proposal for settlement of numerous private suits, that would actually allow Microsoft to extend its monopoly.

Jeffrey L. Fishbein
306 W. Snyder St.
Selinsgrove, PA 17870

MTC–00018587

From: Chris Simoes
To: Microsoft ATR
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

The current Microsoft settlement does not go far enough. As far as I can tell it will not curtail Microsoft's behavior at all, and my opinion is that Microsoft's behavior is anticompetitive.

Chris Simoes
Austin, TX

MTC–00018588

From: paul
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

As a developer for open-sourced software, I am extremely concerned about the recent proposed settlement to the landmark anti-trust case against Microsoft Corporation. I feel that the settlement does not go far enough in providing a remedy for the incalculable damage Microsoft's illegal business practices have caused the industry I work in, nor does it adequately address Microsoft's continued anti-competitive behavior, and that it fails to provide a solution that helps to reduce Microsoft's ability to do further damage, even in the light of Microsoft's complete lack of acknowledgement or contrition. Particularly troubling is the idea that allowing Microsoft to place thousands of computers running it's operating systems and other software in front of students in public schools is somehow a solution to it's stranglehold on the desktop industry rather than a way to increase Microsoft's dominance. Microsoft has been shown to have acted illegally. The software industry needs the protection of the Dept of Justice from further abuses, not a free license for Microsoft to continue it's anti-competitive behavior.

Paul Smith
President, Acme Communications
2517 Remington Rd
Raleigh, NC 27610

MTC–00018589

From: Robertson, Pandora
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00018590

From: Dennis Kelley
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

To Whom It May Concern: The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case. A unanimous US Court of Appeals agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. The bottom line is that Microsoft operated illegally, and any settlement or resolution of this case should make sure the company cannot continue its anticompetitive behavior. Unfortunately the proposed solution does not do this. In many ways, it actually reinforces Microsoft's monopoly, and does nothing to restrain Microsoft from acting illegally again in future markets.

Indeed, Microsoft has already shown they intend to continue to piggyback off their illegally obtained operating system monopoly to crush more markets. As an example, look at the ''give away'' of millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP— and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision, and lower courts found this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any sort of meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system; nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct... [and] .. terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset. Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly.

Finally, the proposed settlement does nothing at all to address the issue of effective remedy along side enforcement. the proposed penalties are ludicrous—an extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). In sum, this settlement is wholly inadequate, and should be rejected and the DoJ and the States should be directed to follow the rulings of the Circuit Court and lower courts when crafting a settlement, instead of ignoring the findings of fact and law, and currying favor with an unrepentant lawbreaking monopolist.

Regards,
Dennis Kelley
330 Pearl St.
New York, NY 10038

MTC–00018591

From: Patrick Waites

To: Microsoft ATR
Date: 1/23/02 4:50pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Here is my reasoning why. In the early 90's there were three major competing desktop operating systems: Microsoft's Windows, IBM's OS2Warp, and Apple's Macintosh. Then Microsoft launched into there current business plan and killed all competition. OS2Warp is dead, Macintosh has lost major percentage points in the market and very little if any other products have appeared. During all this Microsoft continues to reign and grow. There is Linux, but he average user will not use Linux. The learning curve is too high. Microsoft's business practices stifled the market from presenting competing Operating systems. Developers only write software for Microsoft. Other existing operating systems cannot run software written for Microsoft unless it is recompiled and modified. Even with sanctions made against Microsoft, Developers will still only write software for Microsoft. There are not any other Operating systems that can run these programs. That means that MS Windows will still be the only Operating system for people to use. The only way to stimulate competition in the market again is to some how make it possible for other operating systems to be created that can run software written for Microsoft and still be just as easy to use. There are not many if any candidates for this. I do not see how the current proposal will help this issue. All it does is slap Microsoft in the wrist and allow them to still be the only game in town.

Patrick Waites
Mobile, AL

MTC–00018592

From: Frank Iacovino
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: *The PFJ doesn't take into account Windows-compatible competing operating systems http://www.kegel.com/remedy/remedy2.html#abe Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. *The PFJ Contains Misleading and Overly Narrow Definitions and Provisions http://www.kegel.com/remedy/remedy2.html#def.a The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. http://www.kegel.com/remedy/remedy2.html#def.j The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. http://www.kegel.com/remedy/remedy2.html#def.k

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. http://www.kegel.com/remedy/remedy2.html#def.u The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. http://www.kegel.com/remedy/remedy2.html#info.requirements

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. http://www.kegel.com/remedy/remedy2.html#info.timing The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. http://www.kegel.com/remedy/remedy2.html#info.use The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. http://www.kegel.com/remedy/remedy2.html#info.formats The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. http://www.kegel.com/remedy/remedy2.html#info.patents The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users. *The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft http://www.kegel.com/remedy/remedy2.html#isv.oss Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. http://www.kegel.com/remedy/remedy2.html#isv.atl Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. http://www.kegel.com/remedy/remedy2.html#enterprise Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.) *The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft http://www.kegel.com/remedy/remedy2.html#caldera

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. *The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs http://www.kegel.com/remedy/remedy2.html#oem The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. http://www.kegel.com/remedy/remedy2.html#oem The PFJ allows Microsoft to discriminate against small OEMs — including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. http://www.kegel.com/remedy/remedy2.html#oem.mda The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. http://www.kegel.com/remedy/remedy2.html#enforcement The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Frank Iacovino

MTC–00018593

From: joliver@usagi.cts.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is the worst antitrust ''remedy'' I've ever heard of. It looks like it was written by Microsoft and submitted to the DoJ for their rubber stamp. All it does is give Microsoft a huge tax break now, and an even stronger stranglehold on future computer users.

The only way to bring any level of competiton back to the computer environment is to break Microsoft up into, at the very minimum, two seperate companies... one for the OS and one for the applications. That way, the OS side cannot mandate the inclusion of applications (like Internet Explorer) to stifle competition, and the application side has a genuine incentive to produce applications for other operating systems, like a port of Office to Linux.

John Oliver
System Administrator
(858) 637–3600

MTC–00018594

From: Nikolas Britton
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,

Nikolas Britton
2088 W. Galena Ave.
Apt. 24
Freeport, IL 61032

MTC–00018595

From: Lee Sammartino
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

This settlement is a discrace. Not only does it not effectively dismantle the giant Microsoft Corporation, it allows them to basically operate the exact same manner with only a few modifications to their corporate structure. I use multiple platforms including Windows and other Microsoft Products, so this is not a biased submission. Yet again Microsoft will be able to buy their way through this, thus eliminating the effective competitive market that the antitrust laws were established to protect. A much harsher penalty needs to be sought.

Sincerely,
Lee Sammartino
President/CEO
Bourne Properties
122 Mangano Circle
Encinitas, CA 92024
760–943–1768

MTC–00018596

From: ben capoeman
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

I am an American citizen and a former Marine from the state of Washington (currently residing in British Columbia, Canada) and I oppose the settlement reached between Microsoft and the Department of Justice in the current federal anti-trust case presented against Microsoft. Microsoft is not accused of the vast majority of illegal actions that company has committed, they are not punished for the few illegal actions that they admit to performing, they promise to only cease those illegal actions that are no longer profitable for them, there are no mechanisms in the settlement to enforce Microsofts'' compliance should they decide to once again perform the aforementioned currently unprofitable illegal actions and the wording of the settlement gives Microsoft free reign to commit further anti- competitive actions against their business rivals. Given the fact that Microsoft has violated the previous consent decree they entered in 1994 there should be no reason for the US Department of Justice to believe that Microsoft will abide by a settlement that can be interpreted as not pertaining to Microsoft at all and has no enforcement mechanisms even if it is applied to Microsofts'' actions. I am grateful for the Tunney Act which allows me to make my opinion known in regards to this settlement the DOJ is attempting to inflict upon both the American people and the world. I am opposed.

ben capoeman

MTC–00018597

From: Bediako George
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

Dear Mz. Hesse and to whom it may concern, My name is Bediako George and I am a developer of server side applications using a variety of languages on a variety of operating systems. I currently make my living working for a small start up in the DC Metropolitan area. Like most people in the software industry I have been following the saga of the Microsoft Antitrust case with great interest. I believe I have a lot of background knowledge as to the particulars concerning this case. I also have a very good understanding of operating systems, large application development, proprietary software manafacturing, and open source development.

I am writing to express my dissatifaction with the current proposal to allow Microsoft to pay for it's past indiscretions by provided ''free'' software to schools. I fail to understand how this punishes Microsoft for the following reasons: 1> Software has a massive initial development cost associated with its creation. After this initial cost the price for creating a new copy is minimal if not negligible. In fact it could be equated to the price of copying the software to a popular form of persistent media (A compact disk for instance). To allow Microsoft to ''get of the hook'' for the mere cost of a several hundred thousand CDs and equate this to the market value of their software is silly.

2> This ''punishment'' only serves to increase Microsoft's stranglehold on the operating system and applications business. By allowing Microsoft to grant their software to schools you are shutting out other legitimate software vendors, thus further choking the desktop software market.

3> Any secondary goal involving teaching computers science to children to facilate technical learning in our schools will not be achieved. Largely because Microsoft's proprietary operating system OS is a secret. In much the same way as you would not expect a auto mechanic apprentice to learn about engines on Ford motor car with it's hood welded shut, you would not expect students to learn about application development with closed, secretive proprietary code. Since the source code of Microsoft's operating system is a secret, students will not be able to learn about the inner workings of an OS. For these reasons I think the proposed settlement is a bad idea. There has been much arguing back and forth about what Microsoft should do.

After much thought on this matter I have come to the conclusion that there is really only one way to punish Microsoft and make sure it doesn't happen again. Here is my suggestion:

1> Require Microsoft to pay a fine of 1 billion dollars. This fine should be viewed as a fine and not as a donation. In other words Microsoft should not be allowed to use this fine payment as a public relations advantage. When the fine is paid the money could then be donated to the schools or something equally worthwhile.

2> Require Microsoft to expose the META language surrounding it's Word and Excel document formats. Require Microsoft to publish proposed changes to its format immediately.

I think the combination of these two points will sufficiently punish Microsoft for it's past indescretions as well ensure that it's monopolistic behaviour does not continue in the future.

Regards,
Bediako George
Software Developer

MTC–00018598

From: Andrew.Tierney@huntercontrol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:02pm
Subject: Microsoft Settlement

More needs to be done to stop Microsoft becoming the sole owner of computer technology and software. It has reached the point where business says.... ''No body gets fired for buying Microsoft products''. I believe a lot more needs to be done to address this situation.

(1) Force Microsoft to provide versions of its OFFICE and OTHER non-operating system products on other platforms. -Word, Excel, PowerPoint, Access, SqlServer, Project, MSMoney, Encarta for Linux, MacOSX, etc.

(2) Force Microsoft to STICK with a STANDARD. Instead of grabbing a standard then modifying it to become proprietary.

(3) Stop customers from having to purchase a machine with Windows pre-installed. A lot of vendors only offer machines with a version of windows installed, regardless of the fact you already have a license or would like to run linux or other operating system.

(4) Force Microsoft to implement other vendors standards in their operating system. Ie. They MUST include JAVA, FLASH, SHOCKWAVE, etc... By DEFAULT. NOT as an OPTIONAL download.

Thanks
Andrew Tierney
CastleSoft Pty Ltd.

MTC–00018599

From: Bluemage
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

Public Feedback as allowed and required under the Tunney Act.

The Proposed Final Judgement has many flaws, given it's stated goal of preventing Microsoft from further abusing their monopoly power and punishing them for their violations of the law that they have already been convicted of, that were upheld by the appeals court. Many of these problems have been noted by legal scholars, lawyers, judges, and laypeople, including such people as judge Robert Bork. But perhaps the single largest problem with the proposed judgement is that it entirely lacks any method of enforcement or punishment for violation of the agreement. There is no mention of any sort of fine, penalty, or other recourse if the agreement is violated, other than extending the agreement for an additional two years, with the same lack of enforcement.

Lest it be forgotten, much of the current anti-trust case against Microsoft came about because Microsoft ignored previous settlements and agreements and continued the illegal and unethical extension of their monopoly, into other areas and by squashing or buying up any potential competitors, and keeping the barriers to entry as high as possible.

Given Microsoft's long history of abuses, intentionally ''breaking'' their software so other vendors'' software no longer worked properly, using their desktop monopoly to gain footholds into other markets, such as the web browser market, changing file formats or portions of code to deliberately make other vendors'' applications incompatible with Microsoft's, their restrictive licensing agreements with OEMs, their license agreements with companies that charge by computers that could run Windows, not that actually do, their blatant disregard for the law and earlier settlements, and their misleading and outright false testimony in the original trial, any agreement that is in the public interest must have clearly defined penalties and strict enforcement guidelines, along with rules that actually address the past history of Microsoft and will prevent future abuses. In all these ways, the current Proposed Final Judgement fails.

For more in-depth and complete coverage of the flaws of the Proposed Final Judgement, the webpage http://www.kegel.com/remedy/remedy2.html is a very good source.

Nate Fichthorn
Warrenton, Virginia

MTC–00018600

From: Roe McBurnett
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I am a Software Systems Engineer and have been in the field for over 20 years. I would like to comment on the Proposed Final Judgement in United States vs. Microsoft. I feel that the Proposed Final Judgement is flawed and is not in the public's interest in that it does not protect OEM vendors who wish to ship Intel-compatible PCs loaded with some Operating System other than a Microsoft Windows OS. The Proposed Final Judgement only prevents Microsoft from retaliating against OEM vendors that ship PCs that contain BOTH a Microsoft OS AND a competing OS. I would like to see the Proposed Final Judgement modified to include such protection from retaliation for all OEM vendors.

Thanks for your time,
Roe D. McBurnett III
6 Hiland Dr
Hillsborough, NJ 08844

MTC–00018601

From: pgallen@keroon.dmz.
dreampark.com@inetgw
To: Microsoft
ATR,petition@kegel.com@inetgw
Date: 1/23/02 4:55pm
Subject: Microsoft Settlement

I highly object to the settlement. In short, I agree with the article from Infoworld (RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002). Require Miscrosoft to provide harware and money for software, but —DO—NOT— allow them to provide any Microsoft software or hardware to the schools. They do not need to control yet another market. Have they not done enough harm already? In fact, they continue to do even more harm, seemingly ignoring the DoJ case altogether.

PGA
San Diego, CA
Paul G. Allen
Owner, Sr. Engineer, Security Specialist
Random Logic/Dream Park

MTC–00018602

From: terry dutcher
To: Microsoft ATR
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. Any settlement that does not force Microsoft to change their business practices will fail. Microsoft continues to bundle other applications into their operating systems and does not allow other competing software equal access. The classic case is IE vs Netscape. I am glad to see AOL/Time Warner pursuing this matter in civil court. This predatory practice has been continued and extended with the release of Windows XP. This is the kind of activity that caused the guilty verdict. The proposed settlement does nothing to change this behavior. A much stronger remedy must be pursued if justice is to be done. Thank you for your attention to this matter.

Sincerely,
Terry Dutcher
PO Box 59458
Potomac, MD 20858

MTC–00018603

From: Adam-Lawson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:35pm
Subject: Microsoft Settlement

Being an employee of and an active member of a team of IT professionals at Office DEPOT Corporate, running nothing but MS NT 4.0 on all of our servers and Windows9x/2K on all clients, my opinion on the settlement is that it appears NOT to be in the best interest of the IT community, much less the computing community as a whole. I do not support punishing MS by further distributing its products to more industries, further propagating its existing monopoly. The settlement does not solve anything, much less serve as ANY form of retribution.

If Microsoft is not punished to the degree they broke the law, I am not in any way in support of the settlement. This settlement appears to show the DoJ as giving in to MS and political pressures— not serving the country's interests.

Please do not support the proposed settlement. It does not accomplish anything but to reward MS with expanding its market share.

Adam Lawson
Office DEPOT Information Systems—West
Phone)562–988–5428 Fax)562–426–9288

MTC–00018604

From: Reto Reolon
To: Microsoft ATR
Date: 1/24/02 2:56am
Subject: Microsoft Settlement

Dear Sir / Madam,

Our complaint is simple. Remedy should dictate that Microsoft decrease monopolization, the current deal increases it. This is a fundamental flaw, and must be corrected. The people will not allow entropy in the states will to see justice.

Regards,
Reto Reolon.
Technical Strategy & Partner
+27 82 857 6770: voice

MTC–00018605

From: marvw@loam.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:27pm
Subject: Microsoft Settlement

Dear Sirs:

Please do not settle with Microsoft. The settlement, as reported in the news media, is not in the best interest of the Public. Please reject the current proposed settlement and rejoin with those States that continue to press for meaningful releaf.

thank you,
marv watkins
16960 cypress way
los gatos, california 95030

MTC–00018606

From: Sandy Alto
To: Microsoft ATR
Date: 1/23/02 11:37pm
Subject: AOL-what a bunch of money grubbers

It's beyon my comprehension that any judge or jury could find AOL's latest case against Microsoft anything but vicious manipulation of the justice system. They have calculated this move from the moment they purchased Netscape, but have done NOTHING to improve Netscape to enable it to compete in the marketplace. Look into the resources they took away from Netscape after it was bought. This current move is ludicrous and just an attempt to further complicate matters for a terrific company (Microsoft) that is always looking out for their customers. It's time for the DOJ to put competition back in the marketplace, let customers decide what services they want from companies. Geez if Netscape was worth its salt, people would happily spend a few bucks to purchase it. I'd like to point out that there are plenty of other browsers available in the marketplace, not everyone cares to or does use IE. These charges from AOL are outlandish and should be thrown out.

Sandy Alto
19012 90th Pl. N.E.
Bothell, WA 98011

MTC–00018607

From: Dean Kakridas
To: Microsoft ATR
Date: 1/24/02 4:16am
Subject: Microsoft Settlement

The Microsoft settlement is simply not the proper remedy for a company that has done nothing less than bully the computer industry over the past 20 years. They have caused much harm to the consume by squelching software innovation and choice when it comes to Operating systems, web browsers, application software, and Java. Simply put, Microsoft needs to follow standards, leave OEM's alone, bundle Opera browser on Windows as well as Internet Explorer and let the user choose the best.

Thanks for listening.

MTC–00018608

From: Derek Petersen
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am at work and have little time to write. However I think it is totally redicules what Microsoft has gotten away with. They've wiped out compitition ruining various markets. Netscape had an almost 80% market share using no ''dirty methods'' (making their browser available the same way as all others). Microsoft then bought a browser from a company called ''Mosiac'', Mosiac agreed to sell it to Microsoft only if Microsoft agreed to pay Mosiac royalties for the product (at the time most browsers were being sold). So what does Microsoft do? They release it for free. Just like John Rockefeller and the oil companies. Microsoft was the only one who could afford to release the browser for free at the time so people started switching over to that. Microsoft was able to simply ubsorb the cost, while at the same time screwing Mosaic. Then Netscape decided to offer their browser for free (destroying any chance of making a profit). Microsoft was unable to persway people to use their browser over Netscape or others. At this point it was about 70% NS, 25% IE. So in the next version of their operating system Microsoft not only included Internet Explorer with it, they intergrated it so deeply that users would be unable to remove the product even if they didn't want to use it. Essecially forcing their way into the market using their monopoly of the OS market. A few years later it went from 70/25 in Netscape's favor, to about 90/5 in Microsoft's favor. Then it caused anti-trust issues and they were deemed an illegal monopoly due to their actions. So what do they do when they release their latest OS (WindowsXP)? They do the same exact thing, but even to a greater extent. That is like robbing a bank after getting out of jail for shop lifting. Which is pretty much sticking your tounge out at the courts saying ''haha, you can't get me!''. I hope that you take action which will help this matter. The settlement with the DOJ was embarasingly lienient. Microsoft came up with harsher settlement terms in the past then what the DOJ settled with. I have already written much more then I planned or really had time to. Please excuse the spelling or grammar errors I may have made. I am trying to type this ASAP as I do not have much time right now.

Thank you,
Derek Petersen

Please take these thoughts into consideration...

MTC–00018609

From: Fred Fenner
To: Microsoft ATR
Date: 1/24/02 2:29am
Subject: Microsoft Settlement

To whom it may concern, The settlement prosed in the case against Microsoft (MS) will *not* resolve the problems that prompted the case. This case was not about saving Sun Microsystems and Netscape from the abuses of MS. These two companies have both in their own way tried to do what MS has in abusing it's monopoly position in the market. Netscape was well on its way to destroying all other web browsers when MS came along and did the same to them, so I have ZERO sympathy for Netscape. Suns efforts to control Java while trying to make it a ''standard'' are contradictory at best. The problem that needs to be addressed in the MS antitrust settlement is ''how do we make the market more competitive?''. Breaking up MS won't work because you'll have 2+ ''baby Bills'' out there pulling the same shenanigans. The antitrust suit against IBM was dropped (for good reason), because IBM had reformed it's practices enough to make the case irrelevant. MS has proven time and again they have zero respect for the ''rule of law'', and figure they can get away with anything through delay tactics, PR, and huge campaign donations.

The current MS ''abuse of monopoly'' is no longer a Windows problem, but is an OFFICE problem. The Office Suite product line is the MS cash cow, and MS used Windows to create its Office monopoly. MS has control of the desktop OS market, and only time can erode their commanding market share there. The key to getting MS to behave is force them to make MS-Office run on at minimum 3 other Operating Systems with the same exact functionality as the Windows version for 10 years. Next they must also be forced to stop giving discounts on Windows to OEMs that ''play ball'' by not promoting non-MS products. If MS wants to make a donation to the schools as part of any settlement, then it should be ''hardware only'' for any monetary value. If they also want to donate the software, then it must be completely free and include unlimited usage licenses. This will allow schools to decide if they want MS products for free or Open Source products at the same price.

Fred Fenner
435.586.3582 Vmail
720.294.2329 Fax

MTC–00018610

From: Jeff Bonner
To: Microsoft ATR
Date: 1/24/02 1:59am
Subject: Microsoft Settlement Objection

I object to the Proposed Final Judgment in United States v Microsoft Corp, Civil Action No. 98–1232 (CKK) also now referred to as ''Track I'', and would like to express those objections herein. Under the Antitrust Procedures and Penalties Act (15 U.S.C. ? 16(d), the ''Tunney Act''), the court is required to consider public commentary before accepting any settlement.

I should preface my comments by saying that I am a long-time user of Microsoft Windows, Internet Explorer, and Microsoft Office; in fact, I'm using them to research the subject and write this message. Everyone can agree that Microsoft is a very successful corporation, and I am not against businesses being profitable. I draw the line at a company demonstrating themselves to be arrogant and beyond reproach, even bordering on flippant, when faced with the scrutiny of the United States Department of Justice. Microsoft is this company. They have shown time and again, regardless of any finding or judgment, that they will continue to do as they please.

Although you are probably familiar with the following points, they illustrate how Microsoft has shown no intention of acting lawfully: *Microsoft and the Justice Department signed a consent decree in 1994 limiting Microsoft's actions until the year 2000. Even though later upheld by U.S. District Judge Thomas Penfield Jackson in 1995, Microsoft essentially ignored it. Result: The competing Netscape browser is all but gone today, left with a dwindling market share. Consider this alongside a later discovery that various Microsoft software code had the phrase ''Netscape engineers are weenies!'' hidden inside. *Regarding Case No. 2:96-CV-645 B; Dist. of Utah—Central Div., Caldera Inc. v Microsoft Corp., the court ruled in 1996 that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' The resulting settlement was confidential. *DoJ wanted to fine Microsoft $1 million a day in 1997 for bundling Internet Explorer with Windows 95, in violation of the consent decree. A preliminary injunction was issued against Microsoft, who appealed and then offered computer makers old or ''broken'' version of Windows 95 without Internet Explorer. DoJ asked that Microsoft be held in contempt for failing to obey the order. Which brings us to 2002. Ostensibly, the purpose of this action is to punish Microsoft for breaking the law, and keep them from violating it again. But simply making them sign something, promising they will no longer operate illegally, in no way prevents them from actually doing it, as evidenced above. As stated in United States v E. I. Dupont de Nemours & Co, 366 U.S. 316, 232 (1966), the Court of Appeals said, ''The suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to address it.''

Worse yet, the Proposed Final Judgment (PFJ) is flawed in several ways. The two items that concern me most are:

1. The ''Findings of Fact ? 28'' define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications, without reference to the underlying operating system. Yet Definition J defines it in a much more restrictive way, allowing Microsoft to exclude any software from being covered by the definition, merely by changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2.? III. A. 2. of the PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System (OS) but no Microsoft OS. Is it a coincidence that Dell quietly stopped offering Linux as an operating system choice on its build-to-order systems in August 2001? If a company of Dell's size can't offer a competing OS, who can (or will)? This would curtail consumer choice, since not everyone has the technical prowess (nor necessarily the time) to install a different operating system. This is especially true of users who, for the first time, are just beginning to use computers and the Internet.

Before acting on the Proposed Final Judgment, I implore you to consider a fair alternative. The settlement sought by State of

New York, et al., in Civil Action No. 98–1233 (CKK) also known as ''Track II'', before the U.S. District Court for the District of Columbia, is a good starting point. The States'' proposal is different from the PFJ as a whole, but it contains many elements similar to those of the PFJ, with small yet critical changes.

Very truly yours,
Jeff Bonner
511 Broadacre Ave
Clawson MI 48017

MTC–00018611

From: Justin McManus
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Microsoft Settlement

DoJ,

I feel it to be everyone's duty to offer their piece of mind on issues like this. I feel that Microsoft is guilty, but I wish what was shown to the masses is that they are guilty of removing the single most important characteristic, creativity. Without creativity, we act as machines.

Justin McManus

MTC–00018612

From: steve skinner
To: Microsoft ATR
Date: 1/24/02 6:11am
Subject: netscape

I was a Netscape user as my first browser. I never paid for Netscape because you could download it and use it for free. There were other browsers you could get but you had to pay. How can Netscape complain about something they did to get market share themselves. This is really wrong!!!!! I would like a response to my complaint.

Steve
Skinner

MTC–00018613

From: Lee, Robin (ELS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:37am
Subject: Microsoft Settlement

Your Honors,

The Microsoft settlement should severely penalize Microsoft for it's antitrust activities because it has created situations such as this: Bank of America is dropping of support for Quicken on the Mac platform. Not because of technical problems nor because Mac's 5% user group don't utilize Bank of Americas services but because Microsoft owns 95% of the market share. How can an alternative company thrive if services don't support its 3rd party software? If there isn't some regulation to this monopoly there will be no other alternatives to computer operating system other than the black-market where customers will totally be taken advantage of.

Robin Elaine Lee
Elsevier Science

MTC–00018615

From: Keith R. Personett
To: Microsoft ATR
Date: 1/24/02 10:06am
Subject: Microsoft Settlement

To whom it may concern:

I understand that the public has until January 28th to comment on the proposed settlement of the Microsoft Antitrust trial... with this in mind, I will try to keep this email brief, while expressing my full opinion on the matter. I am also urging my friends and associate to express their opinions on this matter. After watching this case for the past few years, very closely, I would like to register these comments on the proposed settlement. In my opinion, the proposed settlement is more than fair to the Department of Justice and the 9 settling states, and is in fact, a very gracious and extensive concession by Microsoft. Considering the following points, I would say that no harm was done to other companies, or to consumers, and that Microsoft is going far beyond what should be expected of them as far as settling this dispute...

1.. Netscape was purchased for a very healthy price (by America Online), and the stockholders of Netscape made great fortunes on it's acquisition. Netscape is still a functioning company with the support of the entire AOL/Time-Warner conglomerate.

2.. Consumers continued to get more value and features, while paying less for their computer operating system and applications.

3.. Netscape didn't think twice about Microsoft as a competitor until Internet Explorer 3 came out and was reviewed as being a competitor to Netscape Navigator. Even at that point, Netscape didn't get worried about their share in the browser market until Microsoft released IE4, which was reviewed as a much more stable, much more full-featured, and much easier to use product.

4.. Microsoft didn't invent the free distribution of a browser, Netscape did, and offered it for download from their website from the beginning. It appears to me that using a similar distribution method and pricing structure cannot be construed as using unfair distribution methods.

5.. Every other Operating System on the market ships with an Internet Browser, Linux, Solaris, Several *nix variants, even IBM OS/2 ships with an Internet Browser.

6.. There are other companies out there that remain profitable in the Internet Browser market place, the Opera Internet browser is an example.

7.. Internet Explorer has shipped with Windows since Windows 95 was released. While it was inferior to Netscape Navigator, it was an Internet Browser supporting the HTML specification. (I still have my original Windows 95 CD, and it installs IE2 with it).

8.. This case was brought on primary through the backing of three companies, who are in fact, 3 fierce competitors to Microsoft in several key areas of Computer and Communications technology... If not for the lobbying and pressure made by these three companies, the Government would not have brought up this issue, and the public would not be watching millions, if not billions of their tax dollars being spent on this case.

1.. Sun Microsystems, who is competing with Microsoft in the Server, Software Development, and E-Commerce Market. 2.. America Online, who is competing with Microsoft in the Online Services and Internet Browser Market 3.. Oracle Corporation, who competes with Microsoft in the Applications and E-Commerce Market.

9.. The continued pursuit of this issue depresses the stock market and the economy as a whole.

It is a constant drain on technical, legal, and clerical resources throughout the companies involved, the Federal Government, the Governments of all of the states involved, and countless other organizations that are merely sitting on the sidelines reporting on every word and phrase issued regarding the case. All of these resources would be much better used creating something instead of destroying something. With that said, I urge you to agree to and support the proposed settlement, and allow this issue to be put to bed, so that the country, the economy, and the citizens of the United Sates can return to productivity and profitability.

Thank you very much for your time, and God Bless American and the Capitalist System.

Keith R. Personett

MTC–00018616

From: ejluss@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: ''microsoft anti-trust suit''

To Whom It May Concern: I'm strongly against the settlement of microsoft. Microsoft was found guilty of monopoly dealings and should be punished accordingly. Not slapped on the hand and told to be good. If Microsoft gets away with this, they will be demise of this great country & economy. If you destroy the entreprenau in technology (the true backbone of this country), which Microsoft has done and is doing, you will destroy what this country stands for; liberty, justice and the American dream to have your own business. Microsoft should reveal their source code and stop crushing their competition. Sincerely yours, Edwin J. Lussier, 3085 Applewood Drive, Marietta, Ga. 30064

MTC–00018617

From: Erik
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

Hello-

Just wanted to drop a line and say that I do not think the proposed settlement is tough enough on Microsoft. In my opinion, it should be split up or forced to reveal its code.

Thank you,
Erik Hartenian

MTC–00018618

From: Juan A. Pons
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

I beleive the proposed Microsoft settlement is a bad idea for the american public. Microsoft has clearly abused the monopoly stronghold on the Operating System and Business Application market, and as such the American public is entitled to substantive remedies which this settlement does not come close to providing.

Thank you,
J

MTC–00018619

From: Thomas Long
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Unhappy with proposed DOJ settlement

I had such hopes that my government was going to stick by its principals and put a final end to the illegal and unethical business practices of an unrestrained giant, namely Microsoft Corporation. Unfortunately, it would appear as though the Department of Justice is for sale to the highest bidder.

As American consumers, we look to our government to responsibly regulate businesses—particularly when those businesses are conducting illegal activities (as Microsoft has been found to be practicing for some time). I believe my biggest concern is for our nation's future. Microsoft's terribly inferior products—and their status as an unrestrained and unregulated monopoly—combine to constitute a serious risk to our nation's security (in terms of information infrastructure due to virii, security failures, etc.) and its position as a technological leader. Governments around the world are beginning to say ''NO!'' to Microsoft's monopoly and are embracing Linux, BSD Unix, and other Open Source alternatives. We are destined to become technologically moribund if the DOJ's settlement prevails.

Thomas Long

MTC–00018620

From: Tom Raymond
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft Settlement

Truly bad, truly flawed. I'm shocked at the Bush Justice Dept.—this is the kind of actions I'd have expected from the previous administration.

Please, do the right thing. Punish Microsoft in accordance with the law for their violations.

MTC–00018621

From: Don Lundquist
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft settlement

I believe that the settlement offered by the Bush administration is NOT in the public interest. It is unfair to other competing companies and does not address the real need to STOP Microsoft from practicing monopolistic activities.

Don Lundquist
Solaris Programs Mgr.
Sun Microsystems Inc.
Menlo Park, CA

MTC–00018622

From: ernest stanley
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement''

I am agianst the goverment in this case agianst Microsoft. Everyone knows microsoft is a monoply, So what. We made then a minoply. What about AOL,The biggest and the worst service , I had them ,They started Kicking me off line without any notice. I could be in the middle of this Email and suddenly I would be off line, I finally complained to them after being kicked off line 10 times in one day. The first person I talked to Asked me how the weather was, and to check with my phone company. After a few months of this I complained again. This time The lady who answered me back, Must have gotten tired of me complaining as she sent me a email That filled a complete page on my email,telling all the details of how everything worked and all the possible causes of my problem. She was being an ass, is this how they treat their customers.? I emailed her back and said after I complete a college couse to learn how to decipher her message, I would give her a better answer, but until then ,if I was kicked off the internet once more without First asking me if I wanted to contunie as they had previously done.Then I would no longer use the service, I am now using Msn, and I can tell you that i can spend an hour or more on line , Be inactive and still not get kicked offline. I get a cd in the mail everyone one or 2 months, 11 last year offering free hours on AOL.,Turn on your tv and Aol is all over it with ads, How do they pay for these mailimgs and ads, they raised their price for Aol, Now they are sueing Microsoft. I hope TED Turner who now owns Netscape, and Aol, And Comp USA, and The alanta Braves and who knows what,loses, because he is as much of a monoply as anyone in this country. Microsoft gave Macintosh $150 million dollars to keep them from going under, and now they are doing pretty good, What is Ted Turner trying to do, If he wins and destroys Microsoft, He can then Bring in his own System and will own the stores that sell them. Does he own a system, ''Whos trying to Buy linux''

Stan

MTC–00018623

From: Kent Pirkle
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea and will not be effective in promoting competition in the software industry. I have owned and used computers since 1983. I have a Bachelors of Science in Computer Engineering Technology from Southern Polytechnic State University and have been professionally involved in selling, programming, and administration of computer for 14 years. Over this time I have seen Microsoft rise from the producer of a BASIC programming language found in most small home computers of the early eighties, to the producer of the ubiquitous MS-DOS operating system, to the producer of the market dominating Windows operating system. The popularity of Microsoft software can be most attributed to the popularity of the IBM PC platform. In many ways this platform was not the most technically advanced of its time, but, because IBM made it an open architecture that other companies could copy and build upon, it soon dominated the industry. Riding on the coattails of this dominance was Microsoft. When other operating systems of comperable capability and price were created (such as Digital Research's DR-DOS), Microsoft used its dominance to make its software incompatible with the alternative operating systems.Later, when the Internet became popular, Microsoft bundled their browser with their OS, which in itself, is not unreasonable, but, they then used their position to threaten PC manufacturers to not install Netscape, a competitive product. The result of this is the current situation where the Microsoft web browser has a vast majority of the market share, since its the only browser most users ever see.

The danger for the future is that unless something is done to limit Microsoft's ability to use its market dominance as a weapon to destroy competitors, the day will come when Microsoft will be the only choice in computing. In this world, innovation would be dead. Currently, there is hope, just as the IBM PC open hardware platform allowed competition to flourish in the hardware realm, so do open source technologies like the GNU/Linux operating system, the OpenOffice office suite, and the Mozilla web browser make the possiblity of true competition in the software world possible with no one company controlling the market. But, there is a great danger that these technolgies will become useless due to the fact that Microsoft has such an overwhelming presence in the desktop arena. The majority of documents in most businesses are stored in proprietary Microsoft Office formats that are very difficult to reverse engineer and are constantly changing. The Mozilla web browser is in danger of being unable to view much of the content of the web due to proprietary extensions such as ActiveX controls and the .NET initiative.

Linux is unable to make headway due to the fact that the two forementioned applications cannot fully interoperate with the proprietary Microsoft technologies. What should be the remedy? Microsoft should not be broken up. Such action would be ineffective. Forcing them to open source their operating system or to port their proprietary software to other platforms would do nothing to increase competition. The remedy is simple: Microsoft must make their document formats, Application Programming Interfaces, and protocols openly available to the public. This is how the Internet flourished early on, and it is how computing can remain innovative and competitive in the future.

Thank You for the opportunity to comment,

Kent Pirkle
4740 Kelly Mill Rd
Cumming, Georgia 30040

MTC–00018624

From: Bell, James (AZ76)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:02pm
Subject: Microsoft is *GUILTY*

As a network engineer with over 10 years of experience in the computer industry, a dyed-in-the-wool republican and laissez faire businessman, I'd like to submit my comments regarding the shameful Proposed Final Judgment in United States v. Microsoft and to urge you to reject this settlement for the garbage it is.

Microsoft is GUILTY of monopolistic business practices. You can't sugar coat this, and anything that doesn't reform or cut the heart out of those practices, not to mention

punishes the company monetarily, fails to solve the problem. Very little of what I've read in the Proposed Judgment affects Microsoft's ***confirmed*** monopoly status. It doesn't punish MS in any way by removing the ill-gotten profits obtained through illegal activities. Even the provisions designed to keep MS from abusing their monopoly status in the future are weak and full of loopholes, even going so far as allowing MS to *define* who their competitors are! Microsoft is GUILTY of monopolistic business practices. The findings of fact demonstrate that Microsoft has abused it's market leader status in ways that caused hundreds, perhaps thousands, of small companies to cease to exist. As much as I hate the level of regulation in business as a general rule, those rules are sometimes *necessary*. Break them up, fine them back to their pre-monopoly levels, force their API's open, or whatever makes the most sense to REPAIR the market they've ASSUALTED. Just please do not allow them to continue their ONSLAUGHT on the American people.

Thanks for listening!

James Lee Bell, CCNA

Senior Network Analyst

Honeywell Space Systems—Glendale

(602) 822–4618

MTC–00018625

From: Michael Taylor
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft Settlement

This is a pathetic ploy for Microsoft to buy time until they get Windows XP into as many lobbying businesses as they can.

Michael Taylor

MTC–00018626

From: anthonyk@cs.utexas.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

Dear US Department of Justice: Antitrust Division, My largest problem with the proposed settlement is that the agreement does not do enough to remedy or even to stop the anti competitive practices that Microsoft uses, it just limits their practices with overly specific definitions and clauses.

Anthony James Kitchin

106 Hurst Creek Road

Austin, TX 78734

MTC–00018627

From: Micah Cox
To: Microsoft ATR
Date: 1/23/02 5:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idead.

Micah Cox

''Sell crazy somewhere else, were all stocked up here...''

Jack Nicholson, As Good As It Gets

MTC–00018628

From: WJ Cordts
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

Sirs:

I strongly object to the proposed settlement of this case. Part of our Judicial System's function is to deter law breaking. While not actually able to stop criminal behavior directly, the penalties that Courts assign act as stern examples of what awaits offenders. This case has gone on for many years and the ultimate decision was that Microsoft was guilty. In these many years the defendant has shown little regard for the gravity of the situation in which it was involved. In fact part of the charges that this company was found guilty, was that it had disregarded a previous court order regarding OEM practices and Internet browser bundling. During these many years this disregard of a previous court order, Microsoft has reaped great financial rewards as it crushed competition with illegal activity. This cavalier attitude toward the authority of our Judicial courts is in itself offensive and dangerous behavior in a lawful society. Surely much sterner consequences should await any such offenders with such attitudes in a Federal Courts! As a parent I know that defiance in the face of correction or discipline is itself a grave problem. If I am lenient and ignore such defiance my children receive little motivation to modify their behavior. As our country's institution of wise elders that mete out correction and discipline to our society, I would hope that the court is like minded.

Sincerely

WJ Cordts

721 Hagemann

Bulington, Iowa 52601

MTC–00018629

From: Wismar, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00018630

From: Forkazoo2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

I am writing to say I consider the current proposal for the Microsoft Settlement to be inadequate. I am not a zealot, and I don't hate Microsoft. I don't think Microsoft is evil, or anything like that. I think that they are a monopoly. A monopoly that has acted illegally. Having acted illegally, it is necessary that Microsoft be punished. Without punishment, there will not be justice.

I have been reading through the finding of fact: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm In doing so, I have come across some interesting quotes that piqued my interest, such as: 143. Decision-makers at Microsoft worried that simply developing its own attractive browser product, pricing it at zero, and promoting it vigorously would not divert enough browser usage from Navigator to neutralize it as a platform. <...snip...> If Microsoft was going to raise Internet Explorer's share of browser usage and lower Navigator's share, executives at Microsoft believed they needed to constrict Netscape's access to the distribution channels that led most efficiently to browser usage. Such anti-competitive activities as this, and a wide variety of other things can not go ignored and unpunished. Among other things, I work as a programmer. Recently, I have started working in Java. (the language from Sun Microsystems). In researching various aspects of Java for work, I have been reading extensively about Microsoft's infamous battles with Sun. At one point, I found the whole thing kind of amusing, but quite frankly, Microsofts actions, especially regarding Java, have hurt my ability to work effectively on projects in Java. It isn't funny. It hurts programmer's ability to work, unless they work only on Windows and IE specific projects. Also, because Microsoft used anti-competitive strategies to market Internet Explorer, and IE became to most commonly used browser on the web, my companie's website is optimised for IE. Because IE is in many ways incompatible with with various standards, ''optimising'' our website for IE has forced us to make it largely incompatible with other browsers. Thus, the incompatibilities in IE force users to use IE to browse our website (and many others). This makes it very, very difficult for other browsers to gain popularity. Such anti-competitve practices are hurtful to the economy, individuals, corporations, and as long as I am forced to work in IT, my sanity.

Once again, I wish to make it very clear: The current settlement is *not adequate.* I strongly hope that the DOJ puts some proverbial smack down, and opens up an equally proverbial can of whoop ass. (please excuse my somewhat crude references.)

MTC–00018631

From: Phillip Pollard
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Tunney Act comment

To whom:

After having spent years of my professional career mired in the frustration and problems created by Microsoft's business practices, I hope that the settlement between Microsoft and the DOJ reaps true benefits. The sad fact of the matter is that Microsoft's sole purpose of actions in the past few years have been solely to maintain a monopoly. Again and again, actual innovation, progress, and quality was throw to the wayside in favor of profits. The US Government, in it's wisdom at the turn of the century, realized that a monopoly's only purpose was to make money, and did not have the beneficial effect that the free market creates. I do not, for the slightest bit, feel that Microsoft has shown a hit of remorse in this case. It is blatantly a monopoly. A fact painfully know by those in a tech world. As I look over the details of the Proposed Final Judgement I see many a loophole that it would very happy and flagrantly use to continue it's poor practices. The definitions of Windows and such terms as API are INCREDIBLY limiting. And even if the judgement is ammended to be appropriately broad, I am sure that Microsoft will invent or tease some technical excuse to change a name and make it different. The fact of the matter is as long as Windows maintains a closed grip on it's Application interfaces to the OSes there will be no competition. The monopoly base needs to be broken at it's heart. Windows should be

made an open source product, including it's API. Microsoft can more than healthily compete as an Applications manufacturer.

Phillip Pollard

MTC–00018632

From: Sara Thustra
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Microsoft Settlement

To our ministers of justice:

I strongly disagree with the settlement proposed in the antitrust case against Microsoft. It says to me, ''Here, Microsoft, you did a lot of illegal, unfair and very un-American things to get your business where it is, but we're going to let you keep all the spoils you've accumulated. From now on though, don't do that anymore!'' I say bull. A lot of consumers and businesses were unfairly treated by Microsoft, and no matter what my foreign friends keep telling me, ''screw everybody to make a buck'' is NOT the American Way. The only way we can send that message and keep true to what we stand for is to make sure that Microsoft is forced to /redress/ its past wrongs (symbolically, if actual redress isn't possible thanks to how much time has passed). And then, further, we have to impose very strict rules AND ENFORCE THEM. Per Microsoft, since their behavior was so wildly counter to what the American people deserve, I would like to see language in the settlement specifically mandating regular audits and government checks to make certain the rats aren't at it again—why should we trust them?

As far as the rest of the settlement, for pete's sake, let's stand up as citizens and lawmakers and make sure these businesses know that they do NOT have a Constitutional right to make a profit!! They have a right to operate a business, so long as they do it LEGALLY, fairly and appropriately as determined by the rules set down by the citizens who buy their product. Personally, I would have liked to see Microsoft's Corporate Charter revoked, swiftly and permanently, along with that of every other corporation who thinks they can abuse the people and ignore their laws. But that's me.

Sincerely,
Mrs. Marie Lyle
Detroit, MI

MTC–00018633

From: Ryan
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

Hello

I don't think that Microsoft should be getting away with these kinds of business practices. Its very obvious they killed Netscape by ''bundling'' Internet Explorer so it could not be removed and shipped Windows 98 anyway without your consent. I think this is ridiculous and they should face severe punishment.

Good Day
Ryan

MTC–00018634

From: Emre Kiciman
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to record my dissatisfaction with the proposed Microsoft Settlement. It simply does not go far enough in ensuring competition in the computer operating systems, middleware and applications markets that Microsoft dominates. In particular, the settlement defines key terms such as ''API'' and ''middleware'' so narrowly as to make any imposed restrictions almost meaningless. Also, the enforcement provisions of the settlement do not appear to have any powers to fine or otherwise punish Microsoft if it does break the terms of the agreement (short of involving the US legal system again).

For a more detailed analysis that agrees with my views, please refer to Mr. Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html#enforcement I believe the outcome of this procedure should do nothing short of enablying true competition in the Operating Systems , Middleware and Applications markets. The settlement as proposed does effectively nothing to alleviate the monopoly powers that Microsoft has shown itself only too willing to abuse.

Thank you for your consideration.
Emre Kiciman
Ph.D. Student in Computer Science
Stanford University

MTC–00018635

From: Gordon
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement

I think the proposed settlement is horrible.

Gordon Marx
U.S. Citizen Extraordinaire

MTC–00018636

From: MEALER GEORGE T
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement

Dear Department of Justice:

Regarding the Settlement with Microsoft, please hear my voice. I feel this Microsoft settlement is a bad idea and in the poorest taste. The egregious abuses by Microsoft in the past and present have destroyed more than just a few promising small businesses. Microsoft is a predatory entity and has destroyed and prevented more innovation than ever they brought to the light of day. They also continue to play very shady and unethical if not illegal games (e.g. the Kerberos protocol) with many entities who are the real source of so many innovative ideas which power the modern computing world. The Settlement as it stands does not really address the problems of predatory behaviour by Microsoft in the past and present, neither punishing nor preventing future abuses. I realize that not every question has an easy answer, however, I feel that neither the issues involved in this case, nor Microsoft's guilt/liability have been adequately judged. Please, as the official judicial center of the nation our government stands to protect, do not let Microsoft off with the slap-on-the-wrist settlement that has been proposed. It is inadequate.

Sincerely, voter and American,
George Mealer.

MTC–00018637

From: Patricia Rupe
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I believe that Microsoft is a dangerous monopoly and should be divided. They are ruthless in their pursuit of buying and destroying any competitor that gets in their way. I also feel that the exclusion of non-profit organizations from the sharing of source code and specifications by Microsoft is a serious mistake. Why should Microsoft be the one to define what constitutes a ''viable business'' and not the Justice Department. Eliminating companies like Linux and Apache, to name a couple, only diminish the quality of the products we as consumers have access to. The Justice Department had Microsoft on the ropes and then backed down. It has been apparent for many years that Microsoft is a monopoly and something should have been done long before now about applying the antitrust laws to break them up.

Can you imagine the trouble the entire nation would be in if this monopoly is allowed to continue as it is currently structured? Computers have become a large part of everyone's lived and are in the majority of households and businesses in the United States and in parts of the world. We rely heavily on the operating system, internet, networking, security, etc. to keep up with both personal and business related information. Having one company basically controlling all aspects of this information and technology is extremely scary. Microsoft has yet to adequately address security issues. Every time they release a security enhancement, they immediately follow it up with several fixes to the enhancement that bandaid the holes caused by their latest release. You could drive a semi-truck thru the holes in their security infrastructure.

Every release of every product from Microsoft is riddled with major and minor ''bugs''. I cannot fathom the number of people that Microsoft employs just to deal with fixing problems in each of their products. One would think that competition would force Microsoft to at least try to produce better quality products, but they are so large and powerful that any company that dares to produce a better quality product is taken over or driven out of business by Microsoft. So, in the end, everyone loses except Microsoft. I resent having to pay several hundred dollars for a product or product upgrade that is riddled with bugs. I cannot begin to count the number of hours, days, and in some cases, weeks that I and my husband have spent on our computers trying to recover data or wiping everything out and reloading the operating system and all the applications that we use because of bugs in Microsoft products. As long as they are allowed to remain a monopoly, I do not have any hope of this ever changing. I am including some comments from Robert X. Cringely (http://www.pbs.org/cringely/pulpit/pulpit20011206.html) on the subject of the Microsoft Antitrust suit that I

wholeheartedly agree with. You have probably received a copy of these comments from Mr. Cringely and others, but in case you haven't, here they are. The proposed Microsoft/DoJ settlement states that as part of the deal, there will be a three-member committee stationed at Microsoft to make sure the deal is enforced. I think Steve Satchell should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest.

Complaints about the proposed settlement, itself: Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today, but that could change in a minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Well, Microsoft now is leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux— a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Also, under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. I thnk Microsoft probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Department of Justice showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

Thank you for the opportunity to submit comments related to this extremely serious and sensitive issue. serious and sensitive issue.

Patricia Rupe

MTC–00018638

From: Dennis Hayes
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft

I disagree with the settlement. I am just an individual user who desires to enjoy using my computer. I do not want to use Microsoft software, but to communicate with friends, it seems you have to use microsoft software. I like to use OS/2 and Linux, but because of the tight agreements that Microsoft has with hardware manufacturers it is hard to get drivers for the new hardware released. It seems that Microsoft sets the requirements and hardware manufacturers built to their specifications. Thus you have winmodems, winprinters and about everything win. To me that is a great loss. I enjoy using the internet. As I understand it, the goverment, military, with universities designed and built it to open standards for vital communications. Now with its power, money and PROVEN BY COURT MONOLOPY Microsoft is trying to close it down into it's own little domain. They need to be stopped.

As a individual user it looks to me like the simple solution would to be to punish those found guilty. It is done every day in regular courts of law. The guilty do not get to set the punishment, why should Microsoft who was found guilty of being a monolopy have any say in what it's punishement is. They have proven by their actions that they cannot be trusted.

Make them open up formats, so that any programer with the ability and desire can write a program to read Microsoft documents and let competion begin in earnest and see who wins. Make any access to the internet open with no private must use my operating system to again access to it.. Thank you for listening, I think Microsoft hinders inovation more than promotes it.

Just a computer user,
Dennis Hayes

MTC–00018639

From: Andrew Close
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

i do not believe the settlement is fair, especially if Microsoft was found guilty of monopolistic practices. when the phone company was found to be a monopoly it was busted up into the ''baby bells'', a mini monopoly at the state level until recently. and when IBM used monopolistic practices and its clout to bully merchants and end-users into purchasing its products it was busted up and fined. mocrosoft should not get off with a stern ''no no no'' and then be allowed to pay this debt by giving away their software to schools and public organizations, thus extending its monopoly. please consider this and come up with a more just settlement that doesn't let Microsoft off easy or allow them to expand their empire.

thank you
andrew close

MTC–00018640

From: J. Greg Davidson
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

To whom it may concern,

Having studied the proposed settlement with Microsoft, I am astonished that it provides no credible relief from Microsoft's anti-competitive practices. Microsoft and its allies have damaged and held back progress and growth of the computer software industry with significant negative effects on the US economy. Microsoft has become too powerful and is clearly too unscrupulous to be rendered harmless as long as it stays a single company. Not only would a broken up Microsoft relieve the problem to our industry, it would probably reward Microsoft stockholders with increased value. It could be a win-win. The current proposed settlement is at best win-lose—a win for Bill Gates and a loss to the American people whose rights are entrusted to the care of the US Department of Justice.

Sincerely,
James Gregory Davidson
6231 Branting Street
San Diego, CA 92122

MTC–00018641

From: James Salsman
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. * The PFJ Contains Misleading and Overly Narrow Definitions and Provisions * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. * The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. * The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. * The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. * The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. * The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. * The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) * The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft * Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. * The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs * The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. * The PFJ allows Microsoft to discriminate against small OEMs — including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. * The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. * The PFJ as currently written appears to lack an effective enforcement mechanism.

We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
James Salsman
U.S. Citizen
Mountain View, CA

MTC–00018642

From: Nick Richards
To: Microsoft ATR
Date: 1/23/02 5:07pm
Subject: Microsoft Settlement

I am Not in favor of the current proposed remedy. My reasoning is similar to that expressed in the November 5, 2001 letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thanks you for the consideration,
Nick
1579 17th Ave
San Francisco, CA 94122

MTC–00018643

From: Stan Heckman
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

If you let Microsoft profit from abuse of monopoly power, I fear that will encourage other companies to do the same. Those other companies will reason that the profits (to them) of their misuse of power exceed any costs (to them). This is inefficient. I like the fact that in the US, we let individual corporations, instead of the government, make most of our decisions about how human effort is allocated. But this only works if the goals of the corporations are at least close to the goals of the country as a whole. Monopoly maintainance by OEM licensing agreement is good for the company and bad for the country. It is also illegal. So why are we letting Microsoft profit from it, and teaching other companies that the cost of breaking the law is less than the profits from breaking the law?

Stan

MTC–00018644

From: J.D. Meek
To: Microsoft ATR
Date: 1/23/02 5:07pm
Subject: Microsoft Settlement

I would like to take a moment to comment on the proposed settlement that the USDOJ has accepted from Microsoft Corporation. I feel that the proposed settlement is unjust due to the fact that it imposes no further remediation than that which was already put forth in the initial judgement against Microsoft. To accept the proposed settlement would not only undermine consumer confidence, but would show large corporations that anti-trust behaviors will be tolerated and accepted. This is not the attitude that I wish for the world to see displayed within my country.

Thank you.
J.D. Meek
Systems Administrator
Franklin, TN. 37064

MTC–00018645

From: Kyle Himmerick
To: Microsoft ATR
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

It does not adequately address the monopoly issues at hand.

MTC–00018646

From: McQuay, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I believe it is a grave mistake for the government to settle for anything less that a breakup of Microsoft Corp. The only way to ensure that Microsoft Products (i.e. Internet Explorer) get ported to other platforms, thereby enabling users free choice of which Operating System they use, is to force Microsoft to break into at least two separate companies, one for OS development and one for MS applications.

Thank you for your time.
Michael McQuay
Unix System Administrator
Williams Communications
4051 W. Munson Rd.
Skiatook, OK 74070

MTC–00018647

From: steve steve
To: Microsoft ATR
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

The current settlement with Microsoft is more than fair. As a cunsumer, Microsoft has let the wat with the concept of ''a PC in every household''. Due to their Martketing vision, I can now buy more computer for less money than I ever thought possible.

The current action by the few states remaining seems to me to be selfserving for the benefit of the state coffers with little reguard for the consumer. Enough is enough. Lets get on with product innovatation and let the market decide what has the products I want.

Steve Arkowski
17207 453rd Ave SE
North Bend, WA 98045

MTC–00018648

From: David Kuntz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

I would like to object to the terms of the Proposed Final Judgment. The largest barrier to entry for competing Desktop Operating Systems is file format compatibility. As a technical support analyst for several law firms I watched each of them painfully transition from WordPerfect to Microsoft Word simply because they needed the ability to easily exchange documents with clients, most of whom used Microsoft Office. I have also seen many small business forced to go through expensive upgrades to the ''latest and greatest'' version of Microsoft Office because their clients have done the same, and the new version has a different file format, making it difficult for the business to exchange documents with the client. Please consider forcing Microsoft to open the file formats for Office, so that businesses and individuals are not forced to purchase expensive upgrades, containing features they may never use, just because ''everybody is doing it''.

thank you
David J. Kuntz
Network Analyst
Philadelphia Gas Works

MTC–00018649

From: William Ezell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I believe the settlement proposed is not appropriate at all. I have been a software professional for over 25 years, since before Microsoft ever sold Windows or drove a competitor out of business. Given past history, even a casual observer would have to conclude that the only thing that will deter Microsoft's predatory practices is a very large stick.

Unfortunately, the settlement isn't even a very small stick.

Bill Ezell
47 Mountain View Drive
Temple, NH 03084

MTC–00018650

From: Mike Meyer
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. Microsoft has repeatedly shown that they will use their monopoly position in any way they can to destroy any emerging competition in the marketplace. Any settlement must make it impossible for them to repeat this behavior, or they will repeat it.

Mike Meyer

MTC–00018651

From: Geoff Baysinger
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

I've kept abreast of the situation regarding the Microsoft settlement and, as a computer professional who has watched many companies come and go, often due to the monopolistic pressure exerted by Microsoft, I do not consider this settlement to be in any way judicious or appropriate. The amount of money that this will cost to Microsoft will be negligible and in many ways the results of the settlement could be -positive- for Microsoft.

MTC–00018652

From: Edward Chang
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:01pm
Subject: Microsoft Anti-trust Case Settlement

To whom it may concern, Microsoft anti-trust case settlement offered by the Bush administration and other states is not sufficient to stop Microsoft's monopoly practice. I am against this settlement, and ask for more sever punishment including breaking up Microsoft.

Thanks for your time.
Edward Chang
BrightLink Networks
Tel: 408–752–9250

MTC–00018653

From: blincoln
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

After reading hundreds of pages of documents related to the Microsoft Settlement and many more in previous years, I think it is critical that the US not accept too soft a settlement for Microsoft's illegal, corrupt, and unfair business practices. Microsoft continues to this day to force clients into exclusive, anti-competitive contracts, they own the rights to a lynchpin in the digital infrastructure and they are using this to continually gather more and more monopolies. As a monopoly portion of the infrastructure, Microsoft should be required to document and provide openly readable source code for their communication protocols, APIs, as well as for many of their underlying operating system components. Microsoft should not be allowed to create exclusive contracts by which clients who want to buy or use products which are part of the monopoly are required to buy and use only microsoft products for other applications. This is a common requirement and one that is in place with large companies such as Amazon.com. Microsoft has shown itself willing to be as manipulative as any business can be, ignoring the fact that it has a unique and monopolistic position in the future of our planet. Strong measures must be put in place to force Microsoft to properly open their APIs & protocols so that real competition can begin in building a more robust digital infrastructure: one that is not wholly owned and controlled by the whim of a single for-profit business entity. Please add additional measures to the current settlement to improve enforcement of the API requirements and add Publication of Protocols to the requirements in this settlement,

thank you,
brian lincoln
160 sunrise drive
woodside, ca 94062

MTC–00018654

From: Joanne Eichhorn
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

I think the economy has gone through enough and it is time to leave Microsoft to their own business, which they happen to do very well. The idea that Microsoft should pay damages to AOL/Time Warner is completely rediculous. By making the IE browser free they enhanced competition and the beauty of it is, we live in a capitalistic society, which makes this possible. Microsoft makes quality software that I'm sure even government employees use. Bill Gates is a true businessman and he and Microsoft should not be punished for the skill and competence they portray in the way they run their company.

MTC–00018655

From: Derek Deeter
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

To Whom It May Concern: I don't think the proposed Microsoft Settlement goes far enough to remedy the monopolistic situation. I agree with the statements put forward in Dan Kegel's Web Page (http://www.kegel.com/remedy/remedy2.html) and also his Open Letter to DOJ Re: Microsoft Settlement , with which I also agree. The proposed settlement does not go far enough in it's remedies to properly address solutions to the current situation.

In addition, I would also like to add that I find that Microsoft's practices have stifled operating system and application competitiveness to the point where they are growing larger by the day at the expense of competitors. Netscape was one of the first casualties and the list goes on—there should be some penalty to be paid for causing these casualties, and this does not seem to be addressed by the current settlement.

A proposed part of the settlement being considered was forcing Microsoft to supply schools with computer systems and software, but I believe this would be rewarding them for their behavior—it is quite well known that in order to promote software, giveaways to the educational sector produce loyal supporters of that software when they graduate to the commercial sector—this

would be a bonus to Microsoft a few years from now, and thus would seem to be a reward rather than a punishment. I would recommend against such a proposal if it is or will be considered again.

Microsoft is so large that it can adopt a standard (HTML is a good example), then change it to it's own benefit without validation by the HTML standards group. An additional part of the settlement should say that Microsoft must abide by the published standards of the owning technical commitees and that any infractions are punishable by (fill in penalty here). This is another example where browsers can not be competitive—if execution of a standard is not consistent across applications, Microsoft has the benefit of providing more utility by bypassing standards or even promoting misusage of standards. By it's sheer size it is able to not only get away with this, but exacerbate the problem.

In addition, Microsoft products when going from version to version (such as Office Products), utilize updated output file formats which are incompatible with those from old products. This in itself is a normal practice, but as a monopolistic remedy I would suggest that for an interim period, Microsoft be forced in their new products to also write the older file formats to maintain compatibility and allow competing products to be used without penalty of constant upgrades.

Thank you for taking the time to read this,
Derek Deeter
Sr. Software Developer
Derek & Cheryl Deeter

MTC–00018656

From: Christopher Bare
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

My suggestion is that Microsoft be required to open up its proprietary file and disk formats. Formats for MS-Office files, and the NTFS file system should be made public and freely usable. Future versions should be required to be backwards compatible. This would allow competing software to interact easily with Microsoft software. In spite of what Microsoft would probably claim this is NOT technically difficult. Monopolies come about due to barriers to entry of competing products. A helpful remedy would be to reduce some of those barriers. We must reward those who provide useful products, and Microsoft has certainly done that. But, we should not lose sight of the fact that the ultimate purpose of our whole economic model is to provide maximum benefits to the participants.

Opening Microsoft file and disk formats would go a long way towards allowing competing products to exist in a Microsoft dominated world, which is an essential step in bringing about true competition.

Thank you,
J. Christopher Bare
310–268–9353

MTC–00018657

From: Frodo Underhill
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Patrick W. Neckolaishen
14 S. Spencer ST
Aurora, IL 60505–4420

MTC–00018658

From: Che J. Hsu
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

With as many important issues that this country has to deal with, I was surprised that so much valuable time had been expended on litigating this case against Microsoft. Microsoft has, in my opinion, maintained its position of leadership in the IT industry more from the quality and reliability of its software, rather than any overbearing marketing strategies that it may have employed in its business practices. It is good that the case has been settled, in that the focus of the settlement encourages Microsoft to maintain better relations with its OEMs and software developers, as well as preventing them from exerting any undue harshness toward any computer maker that would want to install their competitor's software onto its computers. I am therefore writing in support of the settlement and hope that it will be sustained successfully throughout the review process.

Sincerely,
Che Jie Hsu
Chief Consultant
Computerists United Inc.
(408) 942–8725

MTC–00018659

From: Syrus Nemat-Nasser
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To whom it may concern:

I oppose the proposed Microsoft settlement. I am a US Citizen, and I rely on computers for my livelihood. I believe that Microsoft's abuse of it's operating system monopoly on the PC platform has caused harm to the free market and to consumers. The proposed settlement is woefully insufficient.

With kind regards,
Syrus

MTC–00018660

From: user5
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Anti-Trust Settlement

I am a strong proponent of a free-market society, however I also understand that certain entities have in the past, do at present and will in the future take advantage of the laws in existance as well as jumps in technology to advance the interests of the entities to the detriment of the American People. President Theodore Roosevelt understood this and observed the ravages of unrestricted mining and de-forestation of our lands. He also understood how the colusion between the Railroad, Steel and Coal barons exacerbated the problems. Both he and the United States Courts acted accordingly. The purpose of Anti-Trust legislation is to protect the national interests as relates to Public Safety, National Security and the rights of the people to pursue their own wealth and happiness. National Security does not simply relate to Department of Defense issues. When our economy suffers, so does the ability of the nation to raise itself up to provide for a defense. If we are weakened fiscally, we are weakened defensively.

Microsoft Corporation has used it's influence with manufacturers to make it's own desktop program virtually the sole desktop on personnal and business computers around the world. It is my belief that they also incorate data into the desktop program to cause competitors data management systems to crash. I have had, in personnal, corporate and government service, the absolute pleasure of working with systems that are not of Microsoft origin. When not linked into Microsoft programs, they seem to run flawlessly. I have also had the misfortune of being forced in my government employment of having to use Microsoft applications which crash, lose data or are so extraordinarilly complex as to have to have expensive training to learn to accomplish tasks that were relatively simple to initiate with old programs like D-Base III, Corel Word-Perfect and Lotus Approach (The relative Microsoft Applications being Access, Word and Access). To give you an example, the Commonwealth of Pennsylvania uses the Lotus programs Approach and Dominoe to track Pennsylvania Drivers'' records. In all other State Agencies we are required to use Microsoft Office applications. From personal experience in the Department of Corrections, computer users need continuing re-education

in Microsoft products just to keep abreast of the changes (changes I may add only in the way one must use the product, not improvements in efficiency or additional uses). There are several problems associated with having so much of the nations'' business conducted through a sole source as well. With the millions of lines of code embedded in the programs being utilized by virtually every office and home in America, either the management or individual programmers could implant a time bomb of sorts to wipe out the entire nations computing capability at a given time or to mine information detrimental to individuals, corporations or the nation from computers around the country. I want to keep this short and readable, so I will close this letter with my feelings on the proposed settlement; I do NOT support it. There is plenty of precedent which the Department of Justice and the Courts should be able to rely upon and the appropriate arguements made to justify eliminating the restraint abilities that Microsoft has made against it's competitors ability to bring their products to market. Even if the elimination were to be for a limited time and of sufficient strength to allow competitors to get their products onto the same machines with Microsoft Products so that the consumer could decide, I would be much more pleased. There is no denying that Microsoft is a monopolistic entity and uses the advantage it has gained to restrict the competition. No inteligent individual could determine otherwise. There is also no denying the potential hazards such a monopoly poses to the security of our nation and to the privacy rights of citizens and the nation.

Thank you
Cris Dush
RD#1, Box 169
Brookville, Pa.

MTC–00018661

From: John Bonevich
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

I oppose the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people.

Sincerely,
John Bonevich

MTC–00018662

From: Carl Brown
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement. It does nothing to correct the wrongs that have been done. It actually increases Microsoft's strangle hold on the desktop software market. While the donation of hardware is good, it should be required that no Microsoft software be included. If it is, then the future upgrade path for these schools, who by definition can not afford it, involves putting money directly back into Microsoft's already bulging pockets. Microsoft has acted like a drug dealer for years, and this is just another example of this behaviour. The first hit is free, then after that they have another lifelong addict.

Furthermore, a ''donation'' of software costs Microsoft no more than the cost of reproducing CD's, while they can claim settlement value of the maximum retail price per unit. Allowing their own software to form any part of the monetary value of the settlement is quite simply giving them a license to print money. As part of a settlement of a case in which they have already been found guilty, this is completely ridiculous, at the very least. Open source software has virtually no upgrade cost. But more importantly, if students learn on proprietary systems, all they can ever learn to be is computer operators. They can never learn how software really works because they can't look under the hood. Open source software is an unquestionably superior learning tool. The settlement proposal should either be thrown out completely, or extensively reworked, to ensure that Microsoft gets no long term gain from a settlement which should be giving them a large long term loss.

Carl Brown
Whitefield, NH, USA

MTC–00018663

From: Kerry Crouse
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To whom it may concern,

I firmly believe Microsoft is quite guilty of monopolistic practices. While I don't believe inclusion of additionally features into the operating system, (such as Internet Explorer) is particularly monopolistic, forcing computer distributers and manufacturers to include what they want don't want (or not include what they do want) seems to me to be symptoms of a monopoly. Selling a previous version of an operating system at substantially more money to force vendors to use a new operating system and users to use a newer operating system (whether anyone wants to or not) is, to me, another symptom of a monopoly. At one time, Microsoft offered free support for MS-Office products. Since the competition is no longer there, the free support is not there. The lack of free support seems to be more than just a coincidence. While I do believe Microsoft's competitors, in their statements about Microsoft, exhibit quite a bit of envy at Microsoft's position, there is also truth in what they say. While I think that breaking up Microsoft into separate companies, (3 or 4) would be appropriate, I don't think a breakup in and of itself would stop Microsoft from being monopolistic. The agreements Microsoft sets up with distributors and customers should NOT be allowed to be exclusive for Microsoft. Companies should not get discounts for using only Microsoft software. Getting a discount for using above a certain number of Microsoft packages or dollar amount is reasonable only as long as the discounts apply to everyone everywhere.

Thank you for your consideration of this letter.

Kerry Crouse, 3 Kerry Lane, Nashua, NH 03062

Telephone: 603–888–6973 Cell Phone: 603–512–0774

MTC–00018664

From: Kinser, Jeremy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:09pm
Subject: Microsoft Settlement

After reading the proposed settlement details, I am very very concerned about the situation. I think this settlement is a very bad idea and does not take into consideration the rights of consumers and competing companies. This settlement makes it nearly impossible for a small bussiness or group of programmers to come up with software that will run with windows without having to pay royalties. The bottom line is that Microsoft needs to conform to ''Standards'' and these standards need to be open to the public. If this doesn't happen it will stunt the creativity of computing and will hold us down for another 10 years.

Jeremy Kinser
INHS Web Development Analyst
(509) 232–8253

MTC–00018665

From: Alex Levy
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

Dear sirs,

I am writing to oppose the settlement proposed for the anti-trust trial against Microsoft. The settlement, as it stands, would allow Microsoft to continue anti-competitive practices against its largest competitor: open source software. This is software that is developed by a community, rather than a commercial organization, and projects developed in this way would not be eligible to benefit from the proposed remedies. << Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business >>—Robert X. Cringely I implore the courts to reject any settlement that would allow Microsoft to continue its anticompetitive practices against any

software system, whether it be commercial or not.

Thank you.

Alex Levy

Tel: 617.835.0778

''Never let your sense of morals prevent you from doing what is right.'' —Salvor Hardin

MTC–00018666

From: James Linen
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement—

Microsoft must be held to the same standards and punishments as any other company successfully prosecuted under anti-trust laws for monopolistic behavior, period. This settlement does the opposite. Rather than punishing Microsoft for its behavior, it rewards it, particularly in the education sector. Do not allow this double standard to continue.

James Linen

MTC–00018667

From: Kevin Geraghty
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

Sirs:

The proposed settlement in the Microsoft antitrust trial stinks. It fails to redress the actions committed by Microsoft in the past, and does nothing to inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Kevin M Geraghty
Seattle, WA

MTC–00018668

From: Jesse Fuzi
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

While I am normally an extreme pacifist, I am finding it very difficult to not feel angered by this proposed settlement to the Microsoft case. I have followed the case against Microsoft for years, since the monopoly it holds over desktop operating systems impacts my work on a daily basis. To find that the proposed remedy contains almost no controls over the future practices of a company that has twice been convicted of illegal actions seems shocking. That there are no punishments included in this makes me wonder why it is called a ''remedy'' for the illegal things they were convicted of doing. How can this be? I urge you to reconsider this proposed remedy, and to find a solution that does actually punish Microsoft for what it has done, and draw some guidelines to regulate how it operates in the future.

Thank you,

Jess Fuzi
1040 Elliott St. SE
Grand Rapids, MI 49507
Database Administrator—Grand Rapids Community College

MTC–00018669

From: tydalforce@psu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry. One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Sincerely,
Michael E Ferry
IT Support

MTC–00018670

From: Ken Farwell
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

This is not a good idea, this will hurt America in a lot of ways. regards

Kem

MTC–00018671

From: tz
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

I am not in favor of the Microsoft Settlement. The last time there was an agreement—the consent decree—they didn't bundle, they integrated. Microsoft and their lawyers have insured that they can continue the worst of their monopolistic practices. At best, I may have to wait years for access to vital information while whatever board appointed argues whether I need access, and by the time they decide it will be irrelevant—I have no fast appeals or the equivalent of an injunctive relief. Second, they have added ''Digital Rights Management'' as something they can completely avoid saying anything about—even under NDA or other similar structure. Then they can simply add some DRM to Word, Excel, IE, and every part of the operating system—much as they did the oil-and-water DLLs so Internet Explorer couldn't be removed from Windows. Also, if I write a driver, and say support Apple or Linux, they could simply refuse to sign my windows drivers and not give a reason—The drivers could be better than any of theirs, but they could argue length, quality, ''we're too busy, but should have them signed in 2007''. Go back and reread the emails and the documents made public after the Caldera (DRDOS) antitrust suit—Microsoft isn't trustworthy so you need a very broad or structural agreement. Anything with Microsoft written loopholes will mean all the effort which has been spent up to now will be in vein. Declaring defeat when you have won the case would be a terrible waste of the taxpayer dollars spent thus far— those costs are sunk, and the DoJ won. Now use that victory.

MTC–00018672

From: Bob Ruddy
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. More importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions redress their previous abuses or compensate the affected parties. This, in my opinion, goes against the very foundation of law. The provisions within the settlement only formalize the status quo in their strictest interpretation and at worst increase the monopoly power of Microsoft. None of the provisions effectively prohibit Microsoft from abusing its monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a punishment instructions not to commit those acts again, there is no incentive to follow those instructions. That is not justice. While the Court's desire that a settlement be reached quickly is understandable, it is wrong to approve an unjust settlement merely for the sake of expediency.

Sincerely,
Bob Ruddy
611 Wharton Drive
Newark, De 19711

MTC–00018673

From: SD2IrvinePoke@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a career software engineer, I must say I am extremely dissatisfied in the proposed settlement in the Microsoft Antitrust Settlement. There are no penalties for the antitrust behavior that Microsoft has exhibited in the last 10 years. In fact, the proposed settlement goes to further Microsoft's exposure in a place it historically has been second to it's only consumer competition, Apple. I believe that the settlement does not go far enough to punish and in fact furthers Microsoft's monopolistic practices.

Thanks,
Rodney Lester
2 Silkleaf
Irvine, CA 92614
(949)559–4670

MTC–00018674

From: Dylan Fitterer
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

I am opposed to any and all legislation or settlements that restrict(s) Microsoft (or any

other persuasive actor) in any way. It has committed no coercion and should not be punished.

Dylan Fitterer

MTC–00018675

From: Jeff Teitel
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

I believe that the current proposed settlement in the Microsoft case is a bad idea.

Jeffrey Teitel
1314 Rhode Island Ave NW
Washington, DC 20005

Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety. -Benjamin Franklin

MTC–00018676

From: aitken@eol.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 5:07pm

To whom it may concern,

Really there is only one player in the desktop operating system business—Microsoft. All many people are asking for is an alternative to Microsoft. That alternative would be in the form of a product (Linux) and leverage (to pressure Microsoft to make better products/services at reasonable prices). With a monopoly as huge as Microsoft, it is ironic, but also logical, that the only real competition could come from grass roots and not business.

Microsoft should make it's code for things like .doc files made public so that documents written with MS Word can be read accurately on machines running Linux. Microsoft should port MS Office to Linux. A decision to use a non-MS operating system should not cut the user off from all other MS products. Microsoft's insulting interpretation to the DOJ's charge of monopolism was to deepen the monopoly by giving away software. They did not ''give away'' anything - they are cultivating clients. They are selling complete dependence on Microsoft products. Use Microsoft or do without computers is no choice at all. Things that are important to me:

1. Quality operating system. One thing that ensures quality is choice. Some MS products are good but many have many problems—where is the incentive to improve if Microsoft makes the only viable x86 OS around? I would rather make my living having clients tap into the many and varied resources that Linux has to offer, than having them endlessly re-boot MS operating suystems.

2. Choice of operating system without changing hardware. Apple needs different hardware. On x86 hardware the only real choices (other than old/unsupported OS/2) are Windows and Linux. Microsoft is working hard to ensure that Linux is not a choice, by buying up the Internet and making it inaccessible to any platform other than Windows.

3. Competitively priced operating system. Their cheapest OS is a hundreds of dollars (out-of-ime with the present economy)—Linux's cheapest OS is free. Miscellaneous complaints: Microsoft recently purchased SGI 3D technology which could be used to pressure hardware vendors to drop support for OpenGL. Not so recently, Microsoft threatened to withdraw support for MMX if Intel did not drop NSP software development MS possibly introduced error codes into—and possibly sabotaged—Apple's Quick Time media. playback software.

Thank you.
Sincerely,
Chris Aitken

MTC–00018677

From: Whitney Williams
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the antitrust case against Microsoft is a bad idea, and I request that the United States not settle. In the findings of fact in this case (which are no longer disputed), the court found that Microsoft clearly exercised monopoly power; I am dismayed that they might be allowed to do so without substantive penalty. Reading the proposed settlement, I saw nothing more severe than behavioral restrictions of the sort which Microsoft has repeatedly circumvented and violated outright in the past. I found particularly audacious the proposal that Microsoft should be allowed to introduce its product into schools. Gaining market share by selling to schools has, since long before Windows was written, been Apple's most successful strategy. Even now, education is the only market where Apple can still compete with Microsoft. Would it not be the very definition of predatory pricing to allow Microsoft to give away operating system software into this market? As a Microsoft Certified Professional, I see first hand how monopoly power has degraded the quality of Microsoft's products. I see first hand how they raise technological barriers to interoperability to raise barriers to entry in application software markets. As an American, I am appalled that Microsoft's flagrantly criminal behaviors may go without remedy. I am dismayed that my government would back away from a legal challenge to a company whose deep pocket has already crushed so much opposition, and I wonder why I pay taxes if not to protect American industry from predators like Microsoft. This is the single most important issue on which I will vote in the years to come.

Thank you for considering my opinion.
Whitney Williams
Austin, TX

MTC–00018678

From: Howard Roth
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

Dear Attorney General John Ashcroft:

Attached is a letter expressing my opinion on the pending settlement of the Microsoft case. I appreciate your consideration.

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my support for the pending Microsoft settlement. After an extensive legal action, it's definitely time to close this case and get back to focusing on more pressing issues.

My understanding of this case leads me to believe that the terms agreed upon even exceed the original Justice Department complaint. Microsoft has pledged to open up options for computer makers to configure Windows with the software programs of their choice and will create unified terms, conditions, and prices for licensing its operating system.

To reject the opportunity for settlement now will just draw all parties into further distraction and do nothing to help the economy. Thank you for your time and attention.

Sincerely,
Howard Roth

MTC–00018679

From: Brian Vincent
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to impart to you that it is my opinion that the proposed Microsoft Settlement is a poor one. I believe, after reading the available material, that this is in no way a measure that will stop Microsoft's monopoly activities. In fact, I feel that the proposed settlement, in the manner in which it is worded, will allow Microsoft to continue it's monopoly activities, just under a different guise. I feel that the proposed settlement is not even a ''slap on the wrist'', and strongly urge you to find a more effective solution that will properly punish and restrict Microsoft's illegal activities, and not just cave in to big business desires.

Thank you for your attention in this matter.
Brian Vincent

MTC–00018680

From: David David
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

Attention: Renata Hesse, Department of Justice:

I wish to express my views on the Microsoft case as invited by the Department. There are several points I would like to make in support of Microsoft:

—I resent the government's characterization of me and other computer users as helpless victims who cannot choose the software that is useful to us. Further, I do not think that the government has any right to decide what can be in my computer.
—I resent the idea that a successful business and its products are a threat to me or anyone else, and I have yet to hear any meaningful or rational argument why they should be considered as such.
—I resent the fact that the complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. This alone should be sufficient to dismiss such a case entirely and wihout further consideration. Failed businesses must not be allowed to set the rules for the markets in which they have failed.

—For politicians to try to protect some businesses from others is a dangerous policy. Continued arbitrary application of the incomprehensible antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries and in many periods of history.
—Finally, and most importantly, Microsoft's creators and investors have a fundamental right to their property, and to trade it voluntarily with anyone and on any terms they wish. It is the government's job to protect this right, not to take it away. The whole situation is really alarming to anyone who understands this issue.

Thanks for your attention and I hope that these points will be considered.

Sincerely,
David Antonacci
Los Angeles, CA

MTC–00018681

From: Kid Tiki
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Opinion on Ruling

I believe that the proposed settlement with Microsoft is bad and not in the public's best interest.

Thanks.
Mike Leo

MTC–00018682

From: Brian Koppe
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA). It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows: ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.'' In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Brian Koppe, Buffalo Grove, IL

MTC–00018683

From: David A Golden
To: Microsoft ATR
Date: 1/23/02 6:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to register my opinion that the proposed Microsoft settlement is insufficient as currently constructed to effectively ensure a free and competitive PC market. In reading the text of and various commentaries on the settlement, I am struck by the number of loopholes left in the settlement due to improper or misleading definitions of ''API'', ''Microsoft Middleware'', and ''Windows Operating System Product''. Acceptance of the settlement with such loopholes would leave it effectively without teeth. I encourage the DOJ to review any number of well-reasoned criticisms available on the web, written by technical experts rather than lawyers, and which offer a ''common sense'' understanding of the limitations of the remedy as currently constructed. (One excellent such resource is: http://www.kegel.com/remedy/remedy2.html) I urge the DOJ to withdraw its consent to the proposed settlement.

Sincerely,
David A Golden
New York, NY

MTC–00018684

From: Ted Wright
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

We are opposed to the proposed settlement in the Microsoft antitrust trial. We feel that the current proposed settlement does not redress the actions committed by Microsoft in the past, effectively inhibit their ability to commit similar actions in the future, or restore competition to the market.

Sincerely,
Ted & Patricia Wright

MTC–00018685

From: Manfred Smith
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

I am writing in support of EVERY legitimate business in this nation to operate in a legal climate that does not interfere with how they wish to promote or distribute their products. For a nation such as the United States to even have laws such as the Anti-Trust on the books, is a disgraceful because every petty dictator has laws such as these that are used to intimidate and punish those who dare to be innovative and successful. Calling Microsoft a monopoly is a viscous equivocation of terms. Any reasonable person recognizes the difference between domination of a market because: 1) a company has created a product that is in great demand due to low price or simply because consumers want it (a natural monopoly based on free exchange of goods and services), and 2) a state sanctioned monopoly where government power is used to maintain a company's economic position (such as the expensive ferry monopoly in Hawaii backed by the government fiat).

It is unfortunate that our founding fathers did not include a separation of state and business similar to the separation of church and state. Much of the turmoil and corruption in government plus the billions wasted by business yearly would stop.

Leave Microsoft alone to pursue it's business in peace and freedom.

Manfred Smith
The Learning Community TLCN.org
Maryland Home Education Assn.
MHEA.com
Columbia, MD 21045
410–730–0073

''There is no safety for honest men except by believing all possible evil of evil men.'' Edmund Burke

Remember September 11 !

MTC–00018686

From: jerry.gamble@CPBINC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I am sending this e-mail to voice my opposition to the Microsoft Settlement on the grounds that it does not do enough to correct the illegal monopolistic activities that Microsoft has been convicted of. The

following points written Dan Kegel in his Open Letter to DOJ Re: Microsoft Settlement are examples of the weaknesses in the settlement.

* The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. * The PFJ Contains Misleading and Overly Narrow Definitions and Provisions * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. * The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. * The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. * The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. * The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. * The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. * The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) * The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft * Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. * The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs * The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. * The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. * The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. * The PFJ as currently written appears to lack an effective enforcement mechanism.

MTC–00018687

From: Matt Radway
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement contains narrow wording that does not inhibit Microsoft's ability to commit anticompetitive actions in the future.

In particular, Sect III(J)(2) must be changed to require Microsoft to license its APIs, Documentation, and Communications Protocols to Non Profit Organizations. There are many NPOs that need this information because of their role as maintainers of software projects. The Apache Foundation is responsible for Apache, the main competitor to Microsoft's Internet Information Server (IIS). Likewise, Samba is a system that allows alternative operating systems share files with Microsoft operating systems. Samba must use Microsoft APIs in order to accomplish its tasks. There are many Non-Profit Organizations that perform similar functions, and are too numerous to be mentioned here. Section III(D) also excludes Non Profit Organizations from information regarding the APIs for incorporating non-Microsoft middleware. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew J Radway
HC 77 Box 231
Howes, SD 57748

MTC–00018688

From: Chris Parry
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

Hi,

I'd like to officially speak against the proposed settlement. There are many many reasons for this not to be the right approach nor the proper handling of the case. I'm sure there will be no lack of forthcoming arguements by people more suited to address this case. The most important thing is to require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces. Thank you for your time and attention.

Sincerely,
Christopher Parry
Santa Cruz, CA 95060

MTC–00018689

From: Charles Fulton
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to register my opposition to the proposed Microsoft settlement. Microsoft has, over the past decade, stifled innovation throughout the computing industry. Many companies, most notably Be and Netscape, have been destroyed or reduced to shadows of their former selves. It is inexplicable that such a company would be penalized with what amounts to a slap on the wrist.

In summation: I am against the settlement.

Charles Fulton
Box #244
1200 Academy St
Kalamazoo, MI 49006

MTC–00018690

From: Kevin McLin Beason
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

Hello, my name is Kevin Beason and I am a U.S. Citizen. I think the current settlement proposed is completely unsatisfactory and needs to be punish Microsoft much more severely. I think they should be forced to open the API of their operating systems. Windows is the most widely used operating system in the world and by controlling the API they are unfairly maintaining their monopoly in other software markets.

I am in favor of breaking the company up into pieces.

Kevin Beason
617 Holyoke Ct. Apt. D
Tallahassee, FL 32301–8905

MTC–00018691

From: Deech Mestel

To: Microsoft ATR
Date: 1/23/02 5:33pm
Subject: Microsoft Settlement

To whom it may concern:

I'm of the opinion that the proposed settlement with Microsoft is in no way a reasonable end to the case. It provides too many concessions to the guilty party and not a single bit of restitution to the victims of their actions. I was under the assumption that when a party is found guilty, they were actually punished, and didn't get to pick their own punishment. It allows them to continue their present course of action, it's really only a ''slap on the wrist''. This settlement should *not* be adopted without significant revision.

David Mestel
Systems Analyst
St. Louis Mo

MTC–00018692

From: Dan Goldshlack
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

I would just like to comment that I believe the proposed settlement is a bad idea.

Thank you,
Dan Goldshlack

MTC–00018693

From: Ben Russo
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

To whom it may concern,
Re: Microsoft Settlement

Under the proposed settlement, not enough is done to restrict Microsoft's continuing monopolistic and predetory corporate activity. The proposed Microsoft Settlement does not do enough to discourage other corporations in the US from acting in predetory monopolistic manners.

Contrary to all of the press that I have heard, I believe that Microsoft is not a boon to computer technology. They are a lead weight to innovation and progress. I support http://www.kegel.com/remedy/letter.html

Ben Russo
13068 Rose Petal Circle
Herndon, Virginia 20171
Home > 703–736–0829

MTC–00018694

From: Keith McCall
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement

I have been personally affected by Microsoft's monopolistic practices. For example I was required to buy Windows with a computer system, even though I bought the system to run Linux-based software applications. When the first computer required replacement, I was again required to buy Windows with a computer system, even though I did not wish to use Windows at all.

Due to the pressure Microsoft has been able to apply to most major computer hardware vendors, it is exceedingly difficult to avoid paying for an unwanted Microsoft product. Today most major computer hardware vendors are simply distributors for Microsoft's monopoly. Again and again, Microsoft has used it's near total operating system monopoly to foist inferior products on the marketplace. Netscape is, in my opinion, a superior product to Microsoft's Explorer, allowing greater control of security and ''cookies'', for example. Yet even offered free and downloadable, Netscape has great difficulty competing when Microsoft Explorer comes pre-installed.

Furthermore, I am again personally affected by Microsoft's monopolistic practices, since they use their uncompetitive advantage in the web browser market to make further gains in other markets by introducing proprietary code as additions to Java. More and more, this means that Netscape is unable to completely display web content generated by a Microsoft product. Microsoft's practices are harming my ability to use the web browser of my choice.

Microsoft's willingness to obey the laws against abuse of it's monopolistic position is most clearly illuminated by their staged and provably false demonstrations of Explorer's ''integration'' into the Windows OS; Microsoft can not be trusted not to abuse any advantage they can manufacture. The current settlement is a slap on the wrist that does nothing to rectify the monopoly and abuse of monopoly which Microsoft has perpetrated for years. Worse yet, this settlement practically rewards Microsoft for breaking the law: it allows them to unfairly make inroads into education—one of the few markets left where Apple computers make up a major market share and Microsoft doesn't have monopoly power.

Far from serving as a punishment preventing monopolistic behavior, the proposed settlement will enable Microsoft to leverage its monopoly power even more, dramatically increasing its penetration of a market segment that has heretofore resisted its total control.

I can only conclude that this settlement will harm me as a consumer.

Sincerely,
Keith A. McCall
University of Utah
Division of Hematology, 4C416-SOM
30 North 1900 East
Salt Lake City UT 84132–2408
ph. (801) 581–6713
fax (801) 585–5469

MTC–00018695

From: Christian Wenger
To: Microsoft ATR
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I would like to express my opinion that the proposed Microsoft settlement does not go far enough in punishing Microsoft for anti-competitive practices or in motivating them to refrain from anti-competitive behavior in the future. Microsoft has shown itself to be very willing to ignore government instructions affecting their style of business in the past, and I believe that they will continue to do so in the future if the proposed settlement is accepted. The proposed settlement does not contain penalties that are severe enough to keep Microsoft from engaging in anti-competitive behavior in the future.

Thank you,
Christian Wenger
Senior Java Developer
Netomat, Inc.

MTC–00018696

From: Jon Hart
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Briefly, I feel the proposed settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis. This analysis is available at the following URL:

http://www.kegel.com/remedy/remedy2.html

I also agree with the conclusion reached by that document. Specifically:

—The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue.
—The settlement would delay the emergence of competing Windows-compatible operating systems.

Therefore, the settlement not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Jonathan Hart
544 Nightingale St.
Livermore, CA 94550
(925) 447–8759
jhart00@pacbell.net

MTC–00018697

From: Brian Dellert
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

My name is Brian R. Dellert. I live in Prior Lake, MN. I am an independent software developer. I am opposed to the proposed settlement in the Microsoft antitrust trial.

I worked at Microsoft during 1997 and 1998 as a contractor on the help system. During that time, the help system was changed in a way that would cause a previously working application to crash when it attempted to look up a keyword in the index. In fact, following Microsoft's own published documentation on this feature would cause your application to crash.

This change was made for the Microsoft Office team in order to allow support for their famous paper-clip. The ''advantage'' of this change was kept completely internal in undocumented API calls. As for the disadvantage (the crash), internal teams were given support to work around the crash. External companies were left with no support, no information, no accurate documentation, and a help system that did not work as advertised.

The settlement does nothing to prevent this type of anti-competitive behavior. The teams responsible for the products that go into Microsoft Windows will continue to give

preferential treatment to Microsoft's applications division, even if it causes applications written by its competitors to quit working. The most recent example was Apple's QuickTime, which was disabled by an upgrade to Microsoft's now dominant web browser, Internet Explorer (also known as ''IE'').

To quote a CNet article on the problem:

Brad Mathis, a network security engineer from Evansville, Ind., blamed the problem on Microsoft.

''Being a security-conscious person, I try to stay updated with the latest service packs,'' he wrote. ''Unfortunately, SP2 for IE 5.5 was a service pack with a hidden agenda. It may have had a security fix or two in it, but was also designed to remove non-Microsoft product compatibility.''

http://news.com.com/2100–1023–271653.html?legacy=cnet&tag=dd.ne.dht.nl-sty.0

Note that ''SP2 for IE 5.5'' refers to ''Service Pack 2 for Internet Explorer 5.5''.

QuickTime directly competes with Microsoft's media player. The proposed settlement would be completely ineffective in preventing the type of anti-competitive behavior which Microsoft uses to extend its Windows monopoly into new areas. I ask you to reject the settlement.

MTC–00018698

From: Michael Cole
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

Hello, my name is Michael J Cole. I live in San Francisco and I would like to comment on the proposed antitrust settlement. I am against the settlement for many reasons. Mostly I am against the settlement because for the settlement to be effective, it requires large amounts of good faith on the part of Microsoft. This is an unreasonable assumption based on Microsoft's past and present actions and the failure of the settlement will cause an unfair burden on the american public.

In addition, there is no punishment for Microsoft's past behavior. I find this amazing and can't begin to understand what political and economic power it would take to have such a HUGE violator of anti-trust laws have NO punishment actions taken against them.

In closing, I think the settlement will be ineffectual in stopping Microsoft's monopoly. They will just change how they operate their monopoly. In the end it will cause more harm to the american public because Microsoft will be able to comply with the settlement and say ''Look, I can't be a monopoly, the court says so!''

Best regards and good luck in this difficult action,

Mike
michaelcole@michaelcole.com
(415)637–2240

MTC–00018699

From: Christopher Wassman
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

First of all, I am opposed to the proposed settlement in the Microsoft antitrust trial. I do not feel that the current proposed settlement fully punishes the actions committed by Microsoft in the past, nor does it inhibit their ability to commit similar actions in the future. This troubles me greatly, as it should trouble all Americans.

The US Department of Justice should also be made aware of the ''freedom to innovate'' campaign by Mircosoft is specifically aimed at ''buying'' public opinion in this case. This massive effort by Microsoft will undoubtedly result in increased support of Mircosoft's monopolistic practices. If Microsoft's competitors had the same money and distribution medium that Microsoft already possesses, through its monopoly, to advertise and buy public opinion then there would be little issue for the DOJ to decide upon. But that's just the point, there is a monopoly here, Microsoft is a monopoly, and the current settlement amounts to very little to Mircosoft and will do very little to break up this monopoly nor to balance the playing field whatsoever.

The majority of the provisions within the settlement only formalize the status quo. Furthermore, none of the provisions will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. Also, there are no provisions that correct or redress their previous abuses. They only try to prohibit the future repetition of those abuses. This is not right. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. The current settlement is not justice, not for those people and corporations who have suffered from the abuses of Microsoft and not for the American people in general. While the Court's desire that a settlement be reached is well intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is a wrong that is compounded two-fold. I urge the Court to not accept this settlement agreement.

Thank you for you time.

Sincerely,

Christopher D. Wassman, Software Engineer
6772 Findley Cir
Huntington Beach, CA 92648
415 577–1786
c—wassman@hotmail.com

MTC–00018700

From: Darren Daubenspeck
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: microsoft settlement

I'm in favor of strong punitive damages against Microsoft as part of the monopoly settlement, partly for this reason:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

But also because of MS's products have permeated our society so completely. I'm against socialism, but I'm in favor of governmental controls over a company who controls such a large share of the software for doing business in this society

Darren Daubenspeck
Greenwood, IN
1/23/02

MTC–00018701

From: J.
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

The findings of fact in the Microsoft vs. Department of Justice trial show that Microsoft holds a monopoly, that their monopoly was gained illegally, and that it has been used to illegally leverage monopoly power. While the proposed settlement does place limited controls on how Microsoft can leverage that power, I feel it is not an effective measure to prevent future illegal conduct.

Additionally, it in no way strips Microsoft of the power they've illegally gained, and therefore provides no opportunity for competitors to gain a foothold in Microsoft dominated markets. It is for these reasons that I am opposed to this settlement.

Jason M. Kaza
1437 Calle Marbella
Oceanside, CA 92056

MTC–00018702

From: Alex Younts
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlment

Hello,

I think you should make Microsoft pay for what they have done to the computing market.The current settlement is flawed in many ways and you should not let them off the hook that easy. Another thing you should consider is making Mr.Gates take a hike. He will control anything about Microsoft in whatever form it may be in after this trial.

In closing, I hate Microsoft because of the damge they have done. They (as in everyone who has been involved with Microsoft's foul play) should not be let go to do this again (please refer to the case where the US jailed a software developer).

Sincerly,
Alex Younts
apresario@skyenet.net

MTC–00018703

From: jack herndon
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: The ill gotten gains of microsoft

Microsoft's illegal threats to cut off contracts if a company offers other types of operating systems is a direct violation of anti-trust laws. Just because the threats have silenced many companies is no reason to throw out the evidence of such events. Because Microsoft's threats hindered the selling of other people's products it is

without a doubt that Microsoft is now able to over charge the public with their newest operating systems. Windows XP is horribly over priced simply because they have created such a monopoly that people are afraid to sell other operating systems. Please do what is right for the American people, regardless of the current economic status it is your job to uphold the law and act in the interest of the American people. I ask you to re-evaluate your ruling and no longer act in fear of the economy, it can and WILL stand tall.

John K. Herndon

American tax paying citizen

MTC–00018704

From: Bart Reynolds
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement

We cannot trust that Microsoft will adhere to the proposed settlement, any more than they have adhered to past settlements. In five years we'll be right back where we are now, after a long expensive anti-trust trial, with multiple new victims of Microsoft's monopolistic abuses. A more agressive remedy is required to prevent further damage to the economy.

Sincerely,

Bart Reynolds

Principal Scientist

Triscend Corporation

MTC–00018705

From: Paulo Raffaelli
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed Microsoft settlement does too little to rein in the specific anti-competitive behaviors which Microsoft has engaged in in the past, and does not significantly erode the existing barriers to entry which Microsoft's software licences and end-user agreements impose on the developers and users who create and/or use software intended to run on PCs, whether or not those PCs are running a Microsoft operating system. The analysis at http://www.kegel.com/remedy outlines some of the more obvious problems and proposes solutions; I urge you to consider it in formulating a better, truly effective, settlement.

Paulo Raffaelli

Principal Software Engineer, ImagiWorks, Inc.

paulo@imagiworks.com

MTC–00018706

From: Jay Zach
To: Microsoft ATR
Date: 1/23/02 5:21pm
Subject: Microsoft Settlement

To whom it may concern,

I stand against the US gov't.s and states settlement with Microsoft as it now stands. I do not wish this anti-trust action to be settled in such a pro trust manner (a slap on the wrist , if that). Please continue the action against Microsoft.

James W. Zach II

908 Jefferson St.

Frankton, IN 46044

MTC–00018707

From: trinko
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

As a computer professional,although my Ph.D. is in Physics, I find the proposed settlement completely unacceptable. While I could write a long treatise on the problems with Microsoft I think the basic problem can be summarized via one example. When a Texas based computer manufacturer wanted to put Netscape on the desktop instead of Internet Explorer—because that's what customers wanted—they were told by Microsoft that if they did so they couldn't include Windows with the computers. That's functionally equivalent to telling that company that they couldn't sell PCs anymore. This tactic and variants thereof allowed Microsoft to take over the browser market. The Microsoft business model is to use their OS monopoly to drive competitors out of business and then sell low quality, low security, intrusive products at high prices. No settlement that doesn't prevent this will benefit the American consumer.

I supported George Bushs campaign with my time and money because I believe in free markets. But free markets require competition. In the absence of competition some form of regulation is required. Microsoft has no competition and hence needs regulation. The only viable solution I can see is to break Microsoft up into at least two companies. One company can make huge profits selling the OS for 90% of the worlds computers while the other can make huge profits selling applications and services. The key problem with the current DOJ settlement is that it doesn't limit the ability of Microsoft to use it's OS monopoly to gain monopolies in other areas. The situation is similar to that which might occur if the local water supply company also sold washing machines. Now if that water supply company was nice everything would be fine. If it were run by Microsoft executives however it would not allow competitors washing machines access to water and after hounding by the DOJ it would allow access to water but only after the home owner went through a complex and time consuming procedure that required the skills of a professional plumber. Needless to say few consumers would go through the hassle and would instead buy the ''approved'' monopoly backed washer.

Microsoft has a proven track record of limited concern about ethics, security, consumer privacy, and product quality. The current DOJ settlement will allow Microsoft to continue to reduce consumer choice, increased consumer cost, and reduce consumer product quality because it doesn't prevent Microsoft from using its OS monopoly to establish monopolies in other areas. Microsoft has shown that it will try and circumvent any limited solution and will continue to strive to force out of business competitors. Only a dramatic severing of the OS from other Microsoft business units will force Microsoft to compete on the basis of the quality and cost of their products.

tom trinko Ph.D.

tom trinko http://members.aol.com/trinkos/basepage.html

trinko@pacbell.net

MTC–00018708

From: kim bruning
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

Dear sir/madam,

I live in a small village called Wijk en Aalburg in the Netherlands. I am a software engineer, employed by a small computer company in Delft. Also, I study Biology in the city of Utrecht. I am not a United States citizen, so I'm not sure how you will regard what I have to say. If I only comment on what I see then perhaps my opinions might still be of some value. I hope you will be able to use them.

Others have commented on many aspects of the settlement. Much of the text seems reasonable. I see two minor points which might need some improvement.

Point 1: Under I.1. ''All terms, including royalties [...] reasonable and non-discriminatory.''

I would like to refer you to a discussion on RAND (Reasonable and non-Discriminatory) licensing as has been proposed for the world wide web consortium (The organization which sets standards for the world wide web). http://www.w3.org/TR/2001/WD-patent-policy-20010816/ Note especially objections made by some of the w3c contributors. To wit: rand is not non-discriminatory. It discriminates directly against Open Source and Free Software projects. These projects simply cannot use or pay for such RAND licensing due to their legal structure. The arguments that could be made here are very similar to those stated in the w3c discussion. Here are some arguments of my own: Royalty Free (RF) Licensing has been proposed as an alternative, and overcomes this weakness.

Why are Free Software and Open Source Software important? There are two arguments based on reason, and one is based on simple demonstration:

(1) The free software operating system Linux is considered by many to be a somewhat important competitor to Microsoft. It is distributed under the GNU general public licence (GPL) which is a distribution license. Allowing Microsoft to discriminate against such competitor would not be fair. It could also hardly be called non-discriminatory, of course.

reference: www.gnu.org

(2) As far as I know, original implementations of RFC 791 (Internet Protocol) and RFC 793 (Transmission Control Protocol) were released under the university of California's'' ''Berkeley Software Distribution'' License. This is a free software license. These 2 protocols form the heart of the current day Internet. The implementation was left Royalty Free, and hence all parties adopted it. Also, since the original source was open, all parties could learn from it, and the TCP/IP system was quickly adopted worldwide. This is very important.

references: IETF RFCs can be obtained from many sources. Here is one on the world wide web.: http://www.ibiblio.org/pub/docs/rfc/rfc791.txt http://www.ibiblio.org/pub/docs/rfc/rfc793.txt

(3) Quite simply put: The Simple Mail Transfer Protocol(RFC821) is royalty free, to the best of my knowledge. This protocol is used to transmit E-mail across the Internet. If it were not for SMTP, and if it were not for its royalty free status, I would not have been able to send this message. http://www.ibiblio.org/pub/docs/rfc/rfc821.txt

A possible solution to the shortcoming in I.1. (and similar problems with related points under I) would be to allow for Royalty Free licensing of at very least the data interchange formats used by Microsoft.

As an aside: Requiring Microsoft to submit their data formats (such as word and excel) to the International Standards Organization (ISO) might improve the situation further. Such standards organizations argue that good standardization has demonstrably improved economic gain, and stimulated competition between all parties concerned. I think that even Microsoft might actually gain from such an action in the long run. I see nothing wrong with this, because such gain would result from fair competition.

Reference: www.iso.org

Point 2: Under J it is said that Microsoft may not disclose information about security systems, and may set almost any requirement when sharing security information with a security vendor.

I am a programmer, not a certified computing security professional. However, I have learnt much from such security professionals. I will try to summarize their point of view as best as I can. Please don't hold any minor errors or omissions I make against me. For a more comprehensive discussion of security, you could try looking at the scientific literature on this subject. Obtaining advice from a Data Encryption Scientist might be somewhat rewarding.

Open knowledge of algorithms and methods is a requirement for truly strong security. This seems reasonable to me. After all, if one knows of a certain weakness, one can compensate for it and prevent people from exploiting it.

If a hostile element was to be the only person to know a weakness in a security system, then that person would certainly be able to exploit that weakness. Further, security systems which are put up for public review can quickly be assessed for potential weaknesses, and these weaknesses can be repaired. No such process can be used for systems which are kept secret. A second slight problem which some people have brought up is that there might be a weakness here. People might state ''security concerns'' as an excuse to sidestep what they are required to do under I in some situations. In fact this does not seem very hard to do from a technical perspective.

In short, section J on the whole might have some weaknesses. It might be a good idea to gain advice from one or more security experts (such as perhaps a professor teaching about data encryption, or people employed by a government security agency) to determine if this is indeed the case. hopefully this is of some use to you,

sincerely,

Kim Bruning,

Anjelierstraat 47,

4261 CK Wijk en Aalburg,

The Netherlands.

MTC–00018709

From: Kyle Wheeler
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement has got to be the worst conceivable idea possible. One wonders what exactly this proposed ''remedy'' is exactly supposed to do. Can you honestly believe that requiring Microsoft to give software and hardware to the one market that it has yet to make much headway in is a REMEDY for monopolistic practices? It is obvious this would merely give Microsoft a foothold and cement it's monopoly in yet another market.

Kyle Wheeler

MTC–00018710

From: Michael McLaughlin
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. The following is a section by section diagnose of problems I found within the proposed settlement.

S III.A. Paragraph 1. The three conditions specified for which Microsoft cannot retaliate do not alot an OEM to ability to ship some of its computers with only a non-Microsoft Operating System. I feel that condition 2 should be amended to read: 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, (b) will boot with more than one Operating System, or (c) includes only a non-Microsoft Operating System; or

S III.A. Paragraph 2. Should it so desire, Microsoft can easily terminate a Covered OEM's license in two months by finding 3 minute faults in the OEM's implementation of the license's requirements despite good faith efforts of the OEM to remain in bounds of the license.

S III.C. Paragraph 1 Condition 3. An OEM licensee should be free to have any software it deems beneficial to the user and the user's computing experience launch automatically regardless of the existence of a similar Microsoft product.

S III.D. Paragraph 1. The requirement that the APIs released be used for the sole purpose of interoperating with a Windows Operating System Product severely restricts the actions of those individuals and groups involved in allowing programs written for a Microsoft Operating System Product run on a non-Microsoft Operating System. These people will be opened up to potentially bankrupting litigation to ensure that their product(s) does(do) not come to market through the claim that they infringed on the terms laid out in this statement. The requirement that the APIs be used for the sole purpose of interoperating with a Windows Operating System Product restricts competition instead of enriching it. Additionally, Microsoft has begun to create products that are integrated with the operating system but are not the operating system. Examples of this are the Internet Explorer web browser and the Windows Media Player. These programs which are becoming essential through Microsoft's perserverance provide their own APIs which remain potentially uncovered by this clause due to their circumspect nature. This clause should be modified to include operating system components in addition to the operating system itself. Also, this clause specifies a Windows Operating System Product, whereas earlier portions specify Microsoft Operating System Products. This and subsequent clauses should be modified to use the term Microsoft Operating System Product in order to attain consistency and also to ensure that a new non-Windows operating system comes to market which could then technically continue with the behavior which this clause is seeking to remedy. Finally, the term Timely Manner at the end of this clause is potentially open to abuse. The definition of Timely Manner should be altered such that the time frame of release is better defined. The current definition seemingly relies on current Microsoft practices which are easily alterable to corrupt the intentions of this paragraph. This paragraph is seriously flawed in my opinion and will achieve none of its objectives due to the massive loopholes and inconsistent statements and naming conventions layed out above and continued in discussions further in this statement.

S III.E. Paragraph 1. This statement suffers from the same problem enumerated in the beginning of the above discussion of S III.D. Paragraph 1. The requirement of sole purpose once again opens individuals and groups up to potentially bankrupting law suits which would seek to silence them and prevent the release of products competing with Microsoft products.

S III.F. Paragraph I Condition 1. This entire condition is potentially inconsistent with and voided by other sections of this proposed settlement due to the conditions laid out above regarding S III.D. Paragraph 1 and S III.E. Paragraph 1. The requirement of APIs being released for the sole purpose of interoperating with a Windows Operating System Product means that an ISV developing a replacement for certain functionality in a Windows Operating System Product is open to coercion through lawsuits claiming they misappropriated the published APIs regardless of whether ISV determined the APIs through their own efforts. Microsoft would not technically be retaliating for the ISV or IHV breaking any of these conditions but rather for them misappropriating the information Microsoft published and therefore would effectively entirely circumvent the purpose of this clause.

S III.F. Paragraph 1 Condition 2. This entire condition is subject to the same potential problems and flaws laid out regarding S III.F. Paragraph I Condition 1.

S III.H. Paragraph 2 Condition 1. This condition allowing a Windows Operating System Product to invoke a Microsoft Middleware Product to connect to a Microsoft maintained server fails to take into account Microsoft's current .NET business plan in which computers will continually be accessing Microsoft maintained servers in order to undergo their normal operation. Not

allowing specifically for OEMs to override this ability by setting a non-Microsoft Middleware Product with similar functionality the ability to be launched instead of the Microsoft Middleware Product in essence grants license to Microsoft to continue the undesirable practices sought to be remedied here by way of new technology. Microsoft should be required to allow non-Microsoft Middleware Products with similar functionality to be launched instead of Microsoft Middleware Products at the sole discretion of the OEM or the end user to connect to Microsoft maintained servers.

S III.H. Paragraph 4 Condition 5. The word ''it'' in the following except, ''a license to any intellectual property rights it may have,'' is ambiguous and therefore makes this section incomprehensible and open to interpretation which could lead to undesirable consequences.

S III.H. Paragraph 5. This paragraph potentially eliminates any requirements laid out in S III.D. Paragraph 1, S III.E. Paragraph 1, and other sections due to Microsoft's potential ability to claim that its APIs are part of its intellectual property. This grants entirely too much freedom of interpretation to Microsoft and if this paragraph is necessary to this potential remedy, it should be rewritten to take into account all of the proposals set forth in this document.

S III.J. Paragraph 1 Condition 1. Microsoft is allowed far too much freedom of interpretation by this condition. Determining what should not be released due to security restrictions should be lodged in the hands of an independent body that does not answer to Microsoft in order to ensure that everything required to be released to ISVs, IHVs, IAPs, ICPs, OEMs, and others is released. The potential for Microsoft to deem that something which it is valuable for it to retain sole access to is a potential security compromise is too great to be ignored.

S III.J. Paragraph 1 Condition 2. Microsoft is, again, allowed too much freedom of interpretation by this condition. Competitors can easily be excluded by any one of these conditions at Microsoft's sole discretion. Verification that a person or entity applying for access to any API, Documentation, or Communication Protocol that is determined to be kept secret due to security concerns should rest with an independent body due to the potential for abuse of power.

S IV.B.2.a. The time period of one year should be lengthened to two years in order to better ensure that a TC member is completely free of any allegiances. S V.B. The one-time extension of two years should either be lengthened to five years or else the extensions should be allowed to be indefinite. This section currently fails to exhibit the seriousness of the nature of Microsoft acting to breach this agreement. The naming and formatting conventions used in the proposed settlement lack uniformity, which weakens the document as a whole. I strongly disagree that this proposed settlement is enough to keep Microsoft from engaging in anti-competitive behavior. I believe that monetary damages should be imposed in addition to a corrected version of this document (as I have outlined above).

Thank you for your time.

Michael McLaughlin
9 Heaton Lane
Wappingers Falls, NY 12590–6003

MTC–00018711

From: John K. Hohm
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It fails to prohibit Microsoft from much of the illegal behavior it has been found guilty of.

MTC–00018712

From: Drew Wright
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interests of promoting competition or remedying the impact on the American consumer.

Specifically, I believe the current proposal will stifle competition by giving Microsoft a leg-up on competitors under the guise of a settlement. Permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), would be tantamount to state-sponsorship of the extension of Mcirosoft's monopoly. Instead, Microsoft should be required to make payment in cash, and then permit the school systems to direct the use of these funds in the (hopefully technical) areas of its choosing.

Futhermore, I believe the amount of the settlement is grossly inadequate to remove the incentive for Microsoft to continue its practices. I believe Microsoft will treat the settlement as a ''cost of doing business'', much as any other ''administrative overhead''. Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the incumbent desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly. To truly avoid a recurrence of past practices, an oversight committee of some sort is truly needed.

Your attention to this matter is greatly appreciated.

Sincerely
Andrew (''Drew'') Wright

MTC–00018713

From: Carlson, Christopher W.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement

Sirs:

I am writing to register my disapproval of the proposed Microsoft settlement. It in no way properly addresses the amount of damage caused to the software and computer industry by Microsoft over the years and, as that company's continued blatant anticompetitive behavior illustrates, does not serve to restrict any further violations of antitrust law.

If Microsoft is not regulated in some meaningful way, the market will never become competitive again. In the absence of an environment which allows (much less fostors) effective competition, consumers will continue to suffer and potential competitors will continue to suffer. Furthermore, if heretofore unknown problems within Microsoft were to destroy that company after it had erased competition, the impact on our economy would be devastating.

Please do not allow the Settlement to pass as is. It is insufficient, ineffective, and an insult to everybody who has been affected in an adverse way by Microsoft's immoral and illegal business practices.

Thank you.

Signed,

Christopher W. Carlson

My opinion does not necessarily reflect that of my employer.

MTC–00018714

From: Robert A Nesius
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

To whom it may concern,

I'm writing to express my disappointment with the proposed Microsoft Settlement currently under consideration. There are many reasons for this, which will be well documented in the formal, open letters I've seen submitted for consideration. The final analysis leads one to conlude that really these proposed remedies will not substantively change Microsoft's behavior and business practices in any such way as to mitigate the effects of these behaviors in the future.

Moreover, there is no consequence or penalty for Microsoft's proven wrong doings beyond an attempt to modify Microsoft's future behaviors.

I strongly urge this settlement proposition be denied.

Sincerely,
Robert Nesius
5528 SW BVTN-HLSDL Hwy #C
Portland, OR 97221
Robert Nesius
rnesius@ichips.intel.com
503.712.2181
DPG Engineering Computing SW Applications Team

MTC–00018715

From: Dave Pifke
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am pleased to have this opportunity to comment on the proposed Microsoft settlement.

I do not support the settlement in its current form. I believe the remedies included in the settlement are woefully inadequate to protect the public from further abuses of

Microsoft's monopoly position. An effective settlement needs to include much farther reaching limits on Microsoft's behavior and punishment for its previous anti-competitive practices.

Please reject the settlement as it now stands.

Sincerely,
Dave Pifke
2574 Chestnut Street #2
San Francisco, Ca. 94123
(415) 902–8317

MTC–00018716

From: Ian Flanigan
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I am OPPOSED to the Microsoft Settlement. I believe that the Microsoft Settlement is a bad, bad idea. It fails to hold Microsoft accountable for its illegal use of its operating system monopoly in promoting its own products while crushing its competition.

Thank you for your time.
Ian Flanigan
Software Developer
Portland, Oregon

MTC–00018717

From: Brad.Elmore@zcsterling.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

Speaking as someone with 15 years experience with Unix, the current proposed Microsoft settlement does nothing to help undo the mess of the computer industry that Microsoft has made. The states that are holding out have the right idea. Listen to them.

Brad Elmore
(not speaking for his employer in any fashion)

MTC–00018718

From: Deric Stowell
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I DON'T AGREE
Thanks,
Deric Stowell—
Digital Paradise
<http://www.digitalparadise.info/>

MTC–00018719

From: Colleen Ford
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

Hello,

I would just like to offer my opinion as a part of the Tunney Act in regards to the U.S.—Microsoft antitrust trial. I believe that the proposed settlement is not sufficient for solving the problem and that it will only cause more problems in the future. I believe that a new settlement needs to be made that will actually solve the problem of Microsoft's monopoly. Thank you.

Andy Ford

MTC–00018720

From: rust@paintlab.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:24pm
Subject: Microsoft Settlement

I find the proposed Microsoft settlement ludicrous. How does one rectify a predatory monopoly which has leveraged and crushed its way into more and more markets/segements by giving them leverage into yet another market? Microsoft is traditionally weak in the Education market. <insert sarcasm > Wow, they're willing to leverage into it as a ''settlement'' of antitrust litigation. <end sarcasm> Ha!

How about forcing a reasonable EULA, forcing the offering of Windows without Explorer, and making them liable for security holes and glitches — other consumer companies cannot get away with selling a defective product.

Tom Schwerdt
Rust@paintlab.com

MTC–00018721

From: Girard Jergensen
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I agree with and have asked to cosign Dan Kegel's remarks, this proposed settlement is lacking. See his page http://www.kegel.com/remedy/letter.html.

MTC–00018722

From: Chris Woodard
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement that the Department of Justice reached with Microsoft is totally inadequate. Microsoft is a predatory monopoly that has repeatedly broken the law, and the settlement makes it look like the Justice Department caved in and threw a fight that the government had already won. If this settlement goes through, then the only lesson that Microsoft will have learned is that it doesn't have to follow the same rules, laws, and moral standards that the rest of us do, and that would be a sad thing to have to explain to our children.

The U.S. government already looks like a patsy for big corporate interests with all the juice and help that Enron was getting for its money. Do we really want to suck up to Microsoft as well?

http://www.billparish.com/20011128msftupdate.html

MTC–00018723

From: Reid Conti
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

I do not understand why Microsoft should be allowed to retaliate against OEMs that refuse to sell bundle Microsoft software on the computers they sell. Isn't this the definition of illegal use of monopoly power? The proposed settlement about Microsoft is little more than a slap on the wrist.

Reid Conti
15651 SE 43rd St.
Bellevue, WA 98006–4501

MTC–00018724

From: Bill Byrom
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am opposed to settlement as written.

MTC–00018725

From: jack herndon
To: Microsoft ATR
Date: 1/23/02 5:27pm
Subject: Microsoft Settlement

Microsoft's illegal threats to cut off contracts if a company offers other types of operating systems is a direct violation of anti-trust laws. Just because the threats have silenced many companies is no reason to throw out the evidence of such events. Because Microsoft's threats hindered the selling of other people's products it is without a doubt that Microsoft is now able to over charge the public with their newest operating systems. Windows XP is horribly over priced simply because they have created such a monopoly that people are afraid to sell other operating systems. Please do what is right for the American people, regardless of the current economic status it is your job to uphold the law and act in the interest of the American people. I ask you to re-evaluate your ruling and no longer act in fear of the economy, it can and WILL stand tall.

John K. Herndon
American tax paying citizen

MTC–00018726

From: Oliver Langan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement. Specifically, I believe it fails to penalize Microsoft for past illegal behavior, and therefore does nothing to restore any sense of balance to the marketplace.

Microsoft has already gained dominance in the marketplace, and altering its behavior now (while necessary) does nothing whatsoever to address these past transgressions. While I beleive it would be difficult to appoint restitution to specific companies in a case like this, a large penalty paid to the government would address the specific heart of the matter: microsoft would not be allowed to keep its ill-gotten gains.

oliver langan
olangan@askjeeves.com

MTC–00018727

From: Todd Kadrie
To: Microsoft ATR
Date: 1/23/02 5:27pm
Subject: Microsoft Settlement

As a Network Administrator with 15 years of experience supporting software which runs on Microsoft, Netware and Linux operating systems, I'd like to offer my comments related to the Proposed Final Judgment in United States v. Microsoft.

The proposed final judgement does not address what I view as some of the issues that most directly have impacted both the companies that I have worked for and myself personally and professionally. A specific

example of a clearly illegal practice which would be allowed to continue unchecked is covered in Section III.A.2. of the Proposed Final Judgement. This portion of the PFJ effectively allows Microsoft to retaliate against OEM's that choose to ship computers with free or inexpensive alternative operating system like Linux or BeOS, even when they include no Microsoft OS at all. The growth and wide-spread ability of alternative Operating Systems like Linux and BeOS operating systems have been severely hampered by Microsoft's exclusionary aggreements with OEM's.

From my own experience, I have no interest or need to buy a computer with a copy of any version of Microsoft Windows pre-installed, but under Microsoft's exclusionary contracts, I have had to buy all of my computers with a Microsoft OS bundled at an additional fee, and then had to go to the trouble of removing the Microsoft OS and then installing a prefered alternative like Linux or BeOS.

In addition the enforcement of the provisions of the PFJ clearly lack real enforcement power or ''teeth''. Instead of leaving enforcement to the legal system, with it's clear lack of understanding of technical details or real implementation, a much more effective and suitable solution would be the establishment of a Technical Committee with investigative powers and the ability to enforce it's findings.

Considering these and other problems, it is my contention that the Proposed Final Judgment not only allows but encourages anticompetitive practices to continue, and actively delays the growth and wide-spread adoption of competing operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted in it's current form.

Thank you,
Todd S. Kadrie
1690 Hwy 36 W.
St. Paul, MN 55113

MTC–00018728

From: James Marca
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

Hi,

My name is James Marca. I am a graduate student in Civil Engineering at UC Irvine. I object on many points to the propose Microsoft Settlement, and as a citizen of the State of California, I am quite happy that my State Attorney General is one of those pushing for a stronger settlement. In short, I believe the federal government caved. I believe that the Republican party has been swayed by the money, as well as its traditional sweet spot for big business. Unfortunately, the Enron debacle demonstrates vividly that the free market and self-regulation is not good enough at stemming the worst excesses of corporate greed. Allow me to digress slightly.

Microsoft is an aggressive, smart company, who are quite capable of crushing competition in all forms. When Netscape came out with their Navigator browser and the WWW was essentially brand new, I was working in Boston at a consulting firm. When we finally got Internet access at our desks, it was a revelation. My friend and I had a long running email exchange about what this new medium meant. I remembered Marshall McLuhan's book, The Medium is the Massage, which I had read as an undergraduate when I was working on my senior (engineering!) thesis. For several months I read that random pages from that book, and thought about how McLuhan was really describing the Internet, not electricity and television. I proposed to my friend (a programmer in Palo Alto) that we should leverage hypertext to create a browsing platform, not just for display, as Netscape was doing, but for running programs like spreadsheets and word processors. My friend wrote back saying forget it, Netscape was already pushing that front, and they had a huge head start.

At the time, I was sick and tired of Windows applications crashing. The thought of an alternative operating system was really appealing to me, as my company had just converted to MS Office, disallowing the use of Lotus and WordPerfect in the name of corporate standardization. Right before I went back to graduate school, I was working on a document with our publication department in which many spreadsheet figures were embedded in an MS Word document. That sucker crashed if you made two changes. So to proof-read the document, edit the WYSIWYG elements, and so on, we had to open it up, make one change, save, close, reopen, change, save, close, and so on. When I got back to grad school, I found LaTeX, then later Linux, and I no longer use Microsoft products. (YAY!)

I told you that story so I could tell you this one. I am not a lawyer, and I cannot decipher many of the details of the proposed settlement. Therefore, I have read through many of the comments that are available on the Internet. One of the best is by Robert Cringely, available at: http://www.pbs.org/cringely/pulpit/pulpit20011206.html If I may, I'd like to quote from that document, starting with the seventh paragraph:

Here is what I mean. The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

I would add that the biggest competitor to Microsoft Word, in the academic market, is LaTeX and TeX, a public domain text layout system. Again, free software.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ... '' So much for Samba and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

My fear is that one day I will buy a computer whose motherboard BIOS requires me to run Microsoft's latest subscription-based operating system, which will in turn only allow me to run Microsoft's subscription-based office suite, and Microsoft's subscription-based compiler will be the only one that can take advantage of Microsoft's proprietary windows API. Paranoid, perhaps. But this laptop that I am typing on came with Windows ME. Only Windows ME. I loaded up Slackware Linux 8.0 immediately, and had no problems, and yet Sony was unable to sell me this laptop without Windows ME, due to licensing restrictions from Microsoft. The only laptops I could find with Linux on them were very expensive models from IBM—-out of my budget. So I was *forced* to pay Microsoft for a copy of windows that I *do not* use. I had no recourse, other than not buying the laptop.

Back to applications and APIs. There is no way to take a LaTeX document and save it as a Word document, since there is no public documentation of the Word file format, and reverse engineering that format might be illegal illegal (if I understand the restrictions of the DMCA properly). So if I want to work with co-workers on a document, I am forced to save as RTF, or rich text format. Luckily the good folks at AbiWord and OpenOffice have developed utilities to read Word documents and convert them into editable text. But there is no reverse, save as Word option.

There is nothing in this settlement that will make my situation easier, and plenty that will make it worse. At home I am going to set up a Samba file server and printer gateway, so that my wife and I can both use the new printer without switching cables and so on. Samba has been in danger from Microsoft for some time. About a year ago, Microsoft engaged in some textbook embrace-and-extend (the same way they snatched html from Netscape) with the Kerberos authentication system, thus forcing the Samba guys to play catch-up with Windows 2000. I can't find details on that situation, but I did find this older Samba document, from the Samba.org website:

The Future Windows 2000 looms on the horizon like a lazy animal peeking its head over the edge of its burrow while trying to decide whether or not to come out. No one is exactly sure about the kind of animal it will be when it does appear, but folks are fairly certain that it will have teeth. Because of their dominance on the desktop, Microsoft gets to decide how CIFS will grow. Windows 2000, like previous major operating system releases, will give us a whole new critter to study. Based on the beta copies and the things that Microsoft has said, here are some things to watch for:

CIFS Without NetBIOS. Microsoft will attempt to decouple CIFS and NetBIOS. NetBIOS won't go away, mind you, but it won't be required for CIFS networking either. Instead, the SMB protocol will be carried natively over TCP/IP. Name lookups will occur via the DNS.

Dynamic DNS Microsoft will implement Dynamic DNS, a still-evolving system designed by the IETF (Internet Engineering Task Force). Dynamic DNS allows names to be added to a DNS server on-the-fly.

Kerberos V Microsoft has plans to use Kerberos V. The Microsoft K5 tickets are supposed to contain a Privilege Attribute Certificate (PAC), which will include user and group ID information from the Active Directory. Servers will be looking for this PAC when they grant access to the services that they provide. Thus, Kerberos may be used for both authentication and authorization. Active Directory The Active Directory appears to be at the heart of Windows 2000 networking. It is likely that legacy NetBIOS services will register their names in the Active Directory.

Hierarchical NT Domains Instead of isolated Domain Controllers, the NT Domain system will become hierarchical. The naming system will change to one that is remarkably similar to that of the DNS.

Whatever the next Windows animal looks like, it will be Samba's job to help it get along with its peers in the diverse world of the Internet.

And of course, Microsoft's job is to try to kill the Samba effort, so that they can sell more licenses to software.

I fail to see how the proposed settlement addresses Microsoft extending its monopoly to the Internet, which is dominated by free software at the moment, nor how it addresses the attempts by Microsoft to preserve its dominance of the desktop market, where the only credible alternative is Linux and programs written for Linux. In tact, the settlement appears to allow Microsoft at best to ignore and at worst actively litigate against (for reverse engineering, etc) its largest potential competitor—-free software.

You have not required MS to open up their APIs to all comers, only to commercial entities. Open source projects, on the other hand, open their source to all comers, Microsft included. So Microsoft (or any commercial company) can look at the Apache code, the Samba code, and so on, and take the best features that they see.

You may think this is silly, that commercial companies have better code than free software advocates, and so on. But consider this interview with Donald Knuth, inventor and programmer of TeX, from http://www.advogato.org/article/28.html

Q: I noticed, for example, that in the proprietary software market for publishing, that systems are only today acquiring features that have existed in TeX for a long time, for example whole-paragraph optimization. There's a big to-do about Adobe InDesign, which finally...

A: They finally implemented the TeX algorithm.

Q: Did they implement the TeX algorithm?

A: Yeah, that's what they said.

Q: Did you talk to the people?

A: I met three of four of them at the ATYPI meeting in Boston in October, but that was after I had heard about it, that some friends had found this in the documentation.

The fertile development environment envisioned by free software pioneers such as Richard Stallman and Eric Raymond is happening in the open source world. I have often opened up perl and C++ source code to learn about better ways to do things in my own code, and when I take snippets I credit the source, and make sure that my own code is at least as open (GPL2 or Artistic licenses being my personal favorites). But the transfer of ideas and techniques appears to be a one-way street from the free software world to the proprietary software world. Companies like Microsoft take. And then in the settlement they don't even have to open up their APIs to free software programmers! APIs are NOT code. They are just hooks into compiled code. So I can't see the crappy or excellent source code with an API, I just get to see the advertised *capabilities* of compiled code. And yet Microsoft does not have to share this with me, because I am not a viable commercial entity.

Why does this matter? Because I am the future of this country, as is my office mate, my advisor, undergraduates I work with, and as is my 18 month old daughter. I share my knowledge with these people, and I encourage them to learn and share back.

I am developing a peer-to-peer traffic information and control system which I hope will be open to all. I call it the Autonet. I pride myself on the idea that it may become ubiquitous, and so I wrote the term and the ideas in my notebook last year. But otherwise I have made no effort to hide my ideas, because I feel what I am doing will be best served if everybody has a hand in it—-many hands make light work, but also many eyes can watch big brother. But my system has to run on Linux. I dare not base any of my code on Microsoft tools and APIs, because they can pull the rug out from under me at any time. I am not a commercial entity, but I am an academic, and a programmer of modest expertise. I can develop useful tools and products, and I will do so for Linux. However, who will use my code if MS kills Linux, if it becomes illegal to reverse engineer APIs, if Lindows is crushed and prevented from marketing a Linux within Windows setup (or whatever it is they've got going over there). And when computers are plonked in cars (they are beginning to pop up now), you can bet that MS will try to get all of them to run Windows. If my ideas are the best thing going, they will steal my ideas and release a featureful extension of my APIs, and they can legally withhold their extensions to my API from me! Of course, that is a far off and improbable future, but you proposed settlement is weighing heavily in my mind. Why should I bother with this innovation, if it will get extended and stolen by Microsoft? Why should anyone try to break the rules, if the legal rules are written and enforced to the advantage of the entrenched monopolies?

I do hope you back out of this embarrassing sell-out of a settlement. Failing that, I hope that my attorney general is able to get a much stronger settlement in effect for California residents.

Thank you for your time on this rambling letter.

James Marca
2925 Redwood Avenue
Costa Mesa, CA 92622
jmarca@translab.its.uci.edu

ps, as I am about to mail this off, I did one more search on Google for the Samba stuff I remember. Here is one link of many that turned up in my search (type Kerberos Samba embrace extend)

http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2582875,00.html

The article points out that Microsoft did nothing legally wrong, since they exploited a hole in the BSD-style license. But there is the smoking gun of trying to kill Samba by taking and not giving back.

james

MTC–00018729

From: Nicholas S. Rubenstein
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

This settlement is a sham.

A settlement like this tells me that the government should never have sued in the first place. This has been a complete waste of money. The whole point of the anti-trust lawsuit was to force Microsoft to alter its behavior. Now, it has a carte blanche from the government to do just about whatever it pleases.

This is SHAMEFUL.
Nicholas S. Rubenstein

MTC–00018730

From: Gee, Chris
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am writing to express my concern that the Proposed Final Judgement is ineffective, allows anti-competitive practices to continue, is excessively vague or overnarrow and should NOT be adopted without substantial revisions to address the following problems:

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ as currently written appears to lack an effective enforcement mechanism. Details of which are at: http://www.kegel.com/remedy/remedy2.html I am also indicating that I will be a co-signer of Dan Kegel's Comments

Thank you for your time and attention,
Christopher W. Gee

MTC–00018731

From: Devon
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I think the proposed settlement is bad idea, especially because of the requirements for Microsoft to release API documentation too late to help ISVs.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

I do not support the Settlement as it currently reads.

Devon McDaniel
1320 W. Huron #1
Ann Arbor, MI 48103
mcdani20@msu.edu

MTC–00018732

From: Zakir Sahul
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed final judgement in the Microsoft anti-trust case. The judgement is just a hoop that Microsoft can easily jump through and continue it's predatory monopolistic policies. This has cost consumers enormously and will continue to do so in the future. It also will continue to slow the pace of innovation in technology.

Please reconsider the government's decision to settle. Thank you,

Sincerely,
Zakir H. Sahul
4914 25th Ave NW
Rochester MN 55901
email: zak—sahul@yahoo.com

MTC–00018733

From: austin
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

OPEN UP THE API's—that's the only settlement that will give any competitor any kind of footing agiasnt the microsoft monopoly. Everything else is just a joke to microsoft.

MTC–00018734

From: Jerry Tompkins
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

It is patently absurd and morally abhorrent that Microsoft should get off with the inane settlement agreed to by the DOJ. What do I tell my kids and grandkids? It1s morally OK if you1re a huge corporation to get away with numerous activities which are morally wrong? I1m a registered Republican and consider myself a conservative. I have always been supportive of free enterprise in business.

But Microsoft1s actions have nothing whatsoever to do with the conduct of a business in a free enterprise system. They have strangled an industry which is at the heart and soul of our nation1s economy. They are demonstrating they can not only squash competition but even step on our government as if it were some irritating bug and nothing more.

Anyone with an IQ of 90 and enough sense to avoid voting for Liberal Democrats knows what an evil empire Microsoft truly is.

Disgusted.
Jerry W. Tompkins
2835 S.W. Prairie Rd. #39
Topeka, KS 66614
jwt@cjnetworks.com

MTC–00018735

From: Bill Thompson
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my displeasure of the proposed Microsoft settlement as allowed by the Tunney Act. I have been a computer professional for over 10 years and I have witnessed first hand the rise of the Microsoft monopoly and the damage it has caused to the computer industry. I feel that the settlement as it stands now does not go far enough to redress this damage. The definitions of ''API'' and ''middleware'' as detailed in the settlement, are so narrow that they become meaningless in todays computer market. Also, by allowing Microsoft to set the terms for licensing it's API to developers, the settlement allows them to lock-out many Open Source and Freeware developers who would be working on projects in a non-profit manner.

I hope that the Department of Justice will re-examine this settlement and come up with a better solution that truly opens the computer industry up for healthy competition.

Bill Thompson
Seattle, WA USA
BillT@Mahagonny.com

MTC–00018736

From: Daniel Binkard
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

I'd like to give my opinion on the proposed settlement with Microsoft: It's a bad idea, and, in my opinion, allows the company to continue with it's monopoly. A tighter settlement should be used. It's time for the government to show its teeth to Microsoft.

Cheers,
Daniel Binkard

MTC–00018737

From: Paul Beriswill
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I just wanted to add my input on the weak settlement in the Microsoft Anti-trust case. Allowing such a weak remedy for the blatant violations of this monopolistic tyranny provides one more proof of the general consensus that you get only as much justice as you can afford to buy! As you are probably aware, since the settlement offer Microsoft has been aggressively persuing their aggression in new areas.

I urge you to reject the settlement offered as not in the public interest. Any remedy should sting at least to the extent that the perpetrators are able to gauge the pain that they have inflicted on others.

MTC–00018738

From: Phil Smith
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

In my opinion, the entire issue regarding the settlement is unjust, un-American, and undue. Microsoft saying that Microsoft acted in an anticompetitive manner is similar to saying that Ford, GM, and Chrysler act in an anticompetitive manner towards RCA, and Motorola when it comes to installing radios in their cars. The browser is a part of an operating system much the same way that a radio is these days a part of a car yet I do not see any antitrust law suits being served to ''the big three''.

Also, the real reason why Netscape lost to Microsoft had nothing to do with co-mingling

code or bundling a product that should be free to begin with. It had everything to do with smart marketing and strong business partnerships. That's not anticompetitive, that's intelligent business. On the whole, the damages due to Netscape should amount to the total salaries of its CEOs, CTOs, and board members for allowing such gross negligence and bad business tactics to go on without proper remedy. The entity responsible for Netscape's demise is none other than the people who failed to run their business properly.

I have always believed that it is not the place of the American Government to prop up dying business—Certainly, our President will have a lot to answer for if it ever comes to light that he helped to support Enron during it's fall. Or perhaps Enron should simply start suing all those other power utility providers? With much disgust for the entirety of the 2-year debacle that is nothing more than a repeat of the antitrust case regarding Windows 95/98, I sign this letter in protest to the state's settlement as it stands. Further I will say that destroying Microsoft is of no help to our economy, or to the computer industry. If the legal system must pick an entity to pick on, I say go after AOL-Time-Warner.

Phil Smith
705 West Stoughton #2
Urbana Il, 61801
(pesmith@uiuc.edu)

MTC–00018739

From: Rob Salzman
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I oppose this settlement. The remedy is a continued license to steal.

MTC–00018740

From: Frye, Ramsey
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

The proposed settlement falls far short of punishing Microsoft for their past transgressions and does nothing to prevent them from continuing the same practices that got them in trouble in the first place. If a tougher settlement isn't decided on, then I'm sure you will be back in another 5–10 years to slap Microsoft's wrist once again. I realize that someday a company will be allowed to get so powerful that even the government will be afraid of them, but please don't let Microsoft be that company.

Thank you for giving me this opportunity to tell you how I don't like the proposed settlement with Microsoft.

Sincerely yours,
Ramsey Frye
Apt 163
214 Old Hickory Blvd
Nashville, TN 37221

MTC–00018741

From: Scott Fohey
To: Microsoft ATR
Date: 1/23/02 6:33pm
Subject: Microsoft Settlement

Microsoft deserves to be seriously sanctioned, and you seem to be rolling over and playing dead in the face of a convicted monopolist who's business practices continue to be suspect. Why are you letting them off? M'soft doesn't deserve protection. The public needs protection from them. You offer only the former.

Scott Fohey

MTC–00018742

From: Doug Kingston
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

The practices used by microsoft in this case and others cannot be tolerated. The settlement as currently proposed is too lenient and represents a slap on the wrist to one of the most powerful corporations on the face of the earth. Its wealth is vast and its power to control the direction of both hardware and software vendors is unhealthy and illegal because is unfairly uses the monopoly it has on the desktop to control others and dictate unfair and restrictive business practices on companies that have no other choice but to use or sell Microsoft products.

Please reconsider the proposed settlement as several states have requested and propose a real penalty on this guilty party.

Douglas Kingston
U.S. Citizen
London, U.K.

MTC–00018743

From: Mark T. Stapleton
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

As an engineer with many years of experience using Microsoft's operating systems, from DOS forward to Windows 2000, and many years of experience using and utilizing resources on the Internet, I am strongly opposed to what I consider to be a weak and toothless settlement between the DOJ and Microsoft Corporation.

It is clear that Microsoft has violated basic business ethics, as well as the letter of the Sherman Antitrust Act, and that it's continued unregulated dominance is not in the interest of consumers and competitors. This is not my conclusion, but of the Court of Appeals. It is also clear to me personally that Microsoft continues, despite the judgement already passed down, to use practices that are unfair and unethical. Web sites built with Microsoft applications don't work with Netscape Navigator and other Internet browser software. The Windows ME and Windows XP platforms released since the judgement both compromise personal security on the Web by design, not by accident or by error.

A failure to act more strongly than currently planned will simply encourage this irresponsible behemoth to continue making changes to products which are more self-serving than useful, and more in it's own interest than in the public interest or in the interest of the United States government. Please don't be satisfied to let things stand as is. You would be doing the entire country, and indeed the world, a big disfavor.

Sincerely,
Mark T. Stapleton
owner, WaterMark Design, LLC
Mechanical and Electromechanical Design
Cornelius, North Carolina
704–895–6475

MTC–00018744

From: David Ahl
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is severely flawed, for the following two reasons:

1. Although it makes an effort to allow software developers more access to Windows APIs than they have had in the past, Microsoft has and will continue to control the computer industry through the use of its own technologies and file formats, unless specific provisions are made to stop it. Microsoft Office, for instance, uses ''closed'' (unpublished) file formats for word processing, spreadsheets, etc., forcing users to purchase their products or else struggle with complicated and imperfect file translation programs. Or Microsoft's Passport user id system, which has the effect of forcing internet users into using windows to access certain webpages or net services. For the sake of users and competing technology companies alike, all of Microsoft's file formats and all other restrictive technologies must be ''open'': fully published and documented.

2. Although the court found Microsoft essentially crippled Sun Microsystem's Java by using writing its own software and, as of Windows XP, failing to even include Java support in their operating system, no provisions were made to include a standardized version of java (or a version of java at all!) in the settlement.

Sincerely,
David Ahl

MTC–00018745

From: Lance Simmons
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I use the Linux operating system. There are many programs designed for Windows which I can in fact run under Linux, using WINE, a Linux-native re-implementation of the Windows API.

Microsoft, however, includes language in the EULA for some of its software, such as the MSNBC News Alert program, which prohibits me from running the software under any operating system other than Windows. It seems manifestly unjust that I should be legally bound to run software only on the operating system for which it was originally designed. Given that I can make the software run using my preferred operating system, it seems absurd that Microsoft should have the power to license the software to me only on condition that I do not do so. I believe that Microsoft has deliberately designed some of its EULA's for operating-system-independent software in such a way as to unfairly reinforce its monopoly in the market for operating systems. I hope you will take this into account as you go forward with the Tunney Act proceedings.

Sincerely,

Lance Simmons
lance@lsimmons.net

MTC–00018746

From: Mark Warkentin
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

I am writing to voice my objections to the proposed settlement in the Microsoft case. I have followed these issues carefully, and feel that the proposed settlement will do little or nothing to resolve the harm that Microsoft has inflicted on the consumer, or to impair Microsoft's ability to abuse their monopoly power in the future.

Sincerely,
Mark Warkentin
Elrama, PA

MTC–00018747

From: gfonda
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement
Greg Fonda
5200 Lenoraway Dr.
Raleigh, NC 27613
(919) 785–9077
January 23, 2002

To Whom It May Concern:

The proposed Microsoft Settlement should be accepted and this case should be ended once and for all. I have used Windows products since the late 1980s and find it remarkable that the government of my country brought this suit in the first place and inconceivable that a group of only nine states refuse to let it end. The current settlement more than adequately penalizes Microsoft in a way that will be beneficial to it's competitors. In other words, if there ever was a lack of competition in the computer software market, this settlement will restore it.

I personally enjoy the convenience and cost effectiveness of having an operating system that can do multiple things. Some would like to freeze in time the definition of what is and what is not an operating system and that is ridiculous. The world does not stand still, it is always moving, and the world of technology moves twice as fast. I can't imagine a current day operating system without a graphical user interface or one without the ability to connect with and understand the Internet. Tomorrow it may be electronic commerce or digital media that we cannot do without. The needs of computer users change and the operating system must be able to change with them. The current settlement allows Microsoft to continue to improve and evolve their operating system as our needs dictate, while providing it's competitors with all the information and opportunity they need to create products that compete with Microsoft's own. It further gives the computer manufacturers the power to place any of these competing products right along side of, or in place of Microsoft's offerings. Competitors will have the information they need to create great products and the access they need to get those products in front of consumers. And to make sure all goes as planned, the settlement even includes a provision for a panel of independent monitors to make sure everything is as it should be. I cannot see how either the remaining nine states or even Microsoft's competitors could request anything more. The goal of this case is not to destroy Microsoft, but to help it's competitors and one assumes, by extension, us consumers. That goal is achieved with the current settlement, so please do not let things go any further.

I fear that for some, this case has turned into a contest where the only acceptable outcome is total ''victory'', defined as the complete deconstruction of Microsoft. As an American I am proud that our country leads the way in the computer software field. These feelings of pride are probably similar to how people felt about the American automotive industry in the 1950s and 1960s. Please do not let the personal feelings and ambitions of a small minority destroy that.

Sincerely,
Greg Fonda

MTC–00018748

From: Tyler Lemke
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

Please punish Microsoft. They are using their $34 BILLION in cash to force their version of the internet on the rest of the world. Whatever they did in the browser area, they are doing again in the online digital video format area. They are buying portions of digital media content streaming companies, and telling them to only use their version content and abounding the other formats.

Microsoft uses closed proprietary standards and not open standards. Look at Sun Microsystems and Apple, they both use open standards for networking and web services, but not Microsoft, this is how they will force their .NET strategy on everybody. Then it will be too late before the Justice Departments realises what happened. Then when the Justice Department tries to do anything, they will be accused of harming the economy. Microsoft needs to be stopped before they cause their damage with their .NET closed internet standards. Look what they did to JAVA. They took an open standard, modified it so it would only work with their systems, breaking an open standard. They are bullies and they do not play fair. Look towards Sun Microsystems as a role model for how computer companies should be behaving.

Tyler Lemke
P O Box 391062
Omaha, NE 68139

MTC–00018749

From: Robert Kopf
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

The proposed settlement is a BAD IDEA. It fails to protect consumers from future monopolistic practices and does nothing to address the underlying market power of Microsoft. Thank you for taking this input.

Bob Kopf
robert.kopf@visionshareinc.com
Phone 651–645–3300
FAX 651-645-3700

MTC–00018750

From: Steve Nelson
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

Department of Justice

I am deeply concerned about the apparent failure of the governmnet to deal in a meaningful way with the Microsoft monopoly and the weakness of the proposed settlement. This company has not changed its behavior or attitude in any significant way since this entire case began. It should be obvious to anyone that the issue is no longer about the Netscape Browser. Recently I concluded several transactions on Ebay and, much to my dismay, I was forced to enter a Microsoft Passport number to complete the process. Just watch, soon there will be a ''Microsoft Tax'' on all significant Internet monetary transactions. Too many companies know they will lose out in the marketplace if they resist Microsoft's agenda.

Microsoft should be forced to open up its operating system source code. It should be limited in its ability to make company acquisitions for at least eight years. Its continued use of the well-worn bundling trick (remember IBM?) to freeze out the inovations of competitors must be stopped. Is my government big enough and technically competent enough to take this company on and make a real difference in the market place?

Stephen Nelson
69 N. French Drive
Prescott, AZ 86303
ssnels@earthlink.net

MTC–00018751

From: Holland, Keith
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement would not benefit consumers.

Thank you,
Keith Holland

MTC–00018752

From: bald man
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

You are letting Microsoft off too easily.

MTC–00018753

From: Aomathieu@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft settlement

I cannot understand why Microsoft is being let off so easily. If there was more competition we would have much more reliable operating systems to use. I feel the settlement doesn't go far enough to impose just penalties on Microsoft, and they'll go back to their old ways of crushing competition, which is bad for American business. I feel they should open up their APIs and early access programs to all developers, not just those they want to with, as that is unfair competition.

Sincerely
Armand Mathieu

MTC–00018754

From: Spencer Proffit
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Microsoft's illegal and harmful actions will not be improved by the proposed settlement, and may actually give them license to do worse. It should be remebered that this action was caused by thier abuse of the previous consent decree.

Spencer Proffit
WhizBang! Labs West

MTC–00018755

From: Benjamin MacKay
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

The Microsoft settlement accomplishes nothing, and Microsoft once again gets away with its illegal business practices.

MTC–00018756

From: Jonathan Korman
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I have worked in the computer industry for eight years. Countless times, in ways large and small, I have seen how Microsoft has used its monopoly control over operating systems to prevent competition from other providers of applications and services. This has pervasive effects throughout the industry, affecting nearly every software and hardware provider, in turn affecting us all as direct and indirect users of computer systems. These effects are corrosive to healthy competition, resulting in poorer-quality software and hardware products.

Speaking specifically as a professional interaction designer, concerned with making products easier for people to use, I can say that Microsoft commonly creates technology limitations intended to support their monopoly power that result in making computer systems harder to use. Microsoft's monopolistic practices are thus directly harmful to consumers.

I have followed the many legal challenges to Microsoft in past years with some attention. Microsoft has repeatedly ignored or worked around behavioral remedies, and I was hopeful that the court would embrace a structural remedy. I was disappointed when I learned that the court would pursue a behavioral remedy instead; reviewing the current proposed final settlement, it is clear to me that it is completely inadequate to prevent future violations of both the letter and spirit of anti-trust law. In fact, I expect that in practice the settlement will effectively give Microsoft license to continue and perhaps even expand many key monopolistic anti-competitive practices, as many commentators have predicted. I strongly urge the court to reconsider its settlement in favor of a much more vigorous remedy. I believe that a structural remedy is appropriate, but even a more strongly framed behavioral remedy could be a dramatically more appropriate response.

Jonathan Korman
Principal designer
jonathan@cooper.com
650 213.5121 Cooper
2345 Yale St
Palo Alto CA 94306
http://www.cooper.com/
650 855.0250

MTC–00018757

From: Chip Richards
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I would like to add my voice to those opposing the current form of the Proposed Final Judgment in United States v. Microsoft. I have been in the computer business since 1974. I have seen the growth of the computer industry from its relatively esoteric origins into the commercial giant it is today. Computers are how I make my living, so this subject, and this settlement, are understandably of great interest to me.

Microsoft has done some good things for the computer industry and for other businesses and individuals who depend on it. I used to have a very high opinion of the company and its products; I even applied for a job there at one time. But over the years, I have seen them change from a source of benefit for world commerce into a distinct liability.

Were I a lawyer, I'd write a brief addressing the specifics of the settlement. But I'm not—as a software engineer, I can only speak about the world as it looks through my lenses. And I know a lead weight when I see one. I can tell when commerce is in a stranglehold. I can see that overall technological progress has slowed, and is threatening to stop entirely. And Microsoft is at the heart of all of it. I have nothing but personal evidence to offer; I doubt if anyone has the time to read all the tales I have to tell about Microsoft's negative effects on my colleagues and their businesses, so I won't waste time putting them here.

And I can't argue that it's only the USA which is hurt by Microsoft's unchecked control of computer software, and indirectly, hardware, technology. It's pretty much the whole world. So we're not falling *behind* anyone else, we're just falling. Are you reading this on a Microsoft system, or was it printed from one? Did the purchasers of that system have a choice? A *real* choice? Does that tell you anything? If a small company tried purposely to impede other companies and enterprises, they'd no doubt fail. But Microsoft has the reach and the clout to make their wishes become reality, time after time.

If the last two centuries have taught us anything, it is that technological progress, in general, benefits everyone. The only sure thing I can say today is that everything in my heart and my mind, and all my experience, is telling me that Microsoft is intentionally impeding the progress of computer technology in the name of profit. Their power over us has increased, and is increasing, exponentially. Curb it now, before the option no longer exists.

W. M. Richards
NiEstu

MTC–00018758

From: paul impola
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft antitrust case is a very bad idea, which would in the long run actually strengthen Microsoft. I firmly believe that the only fair settlement would require Microsoft to release the code for its Windows operating system. This course would have immediate major benefits for all users of Microsoft products, and would restore competition to the OS and browser fields.

Thank you for reading my message.

Paul Impola

MTC–00018759

From: Joel
To: Microsoft ATR,
petition@kegel.com@inetgw
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

I will stand as a co signer of Dan Kegel's comments.

Joel Leland Oceanside, CA
Small Business Owner

''To be enterprising is to keep your eyes open and your mind active. It's to be skilled enough, confident enough, creative enough and disciplined enough to seize opportunities that present themselves...regardless of the economy.''—Jim Rohn

RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of under funded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack. Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that

is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for under funded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00018760

From: Cody Pollock
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Re : Microsoft Settlement

To whom it may concern

With regard to the Microsoft Antitrust case, I am expressing my total support for the prosecution of MS and their questionable business practices. Microsoft have slowly taken on a progressively more aggressive stance to controlling 100% of the market and it needs to stop now. Inferior software products that take away all of a user's freedom of choice and independence are a sick joke. Apart from the fact MS products are behind the ball, full of security holes and are basically a piece of advertising software that (tries to) override any piece of third party software that would compete with an MS product. Open source needs to be made more public, so money-grubbers like Bill Gates won't get their way, and everyone gets a fair crack at the market, and the PC industry, especially since most 'family' computer users just want a PC that works, not takes advantage of their lack of knowledge.

Burn, Microsoft, Burn.
Regards
Cody Pollock
IT Support/Administration
Email: Cody.Pollock@arup.com.au
Ove Arup & Partners
Level 12, The Tower
360 Elizabeth St, Melbourne
Phone: +61 3 96636811

MTC–00018761

From: Peter Henderson
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Peter Henderson
2795 Wildflower lane
Snellville GA 30039.

MTC–00018762

From: Suttell@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Microsoft is singularly responsible for me buying 5 computers and a lot of software over the last 15 years. This benefited Microsoft but also the computer makers and many software companies besides Microsoft Without Microsoft providing LOW COST and user friendly software, I and millions of others wouldn't even be using computers today.

Now the government inspired by Microsoft competitors and politicians from their states wants to punish the company that built our great high tech system. Certainly Microsoft has a monopoly but only because their competitors could not compete. Ask Me I know. I tried to buy other operating systems and there were no good ones available and there was nothing available for anywhere near the price of windows. When is the government going to tell these complainers to build better products and they wouldn't have to worry? All this from a guy who doesn't even like Microsoft, but lets be fair, they did a hell of a job and don't deserve the screw job the government is providing.

Please settle and let the world move on.
Frank Suttell
3227 Magnolia Blvd. West
Seattle WA. 98199

MTC–00018763

From: Adam A. Turetzky
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

I think this remedy is wrong and a very bad idea which would only further increase their proven monopoly on the software industry! I am very much against this remedy!

Adam Turetzky
Skokie, IL

MTC–00018764

From: McNew, Ronald
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement

I do not think that the proposed Final Judgment has really even acknowledged the issues involved. It would be better for the DOJ to drop the case, instead of accepting this ''I'm tired and I want to go home'' band-aid, because dropping the case would not establish precedent, to the undoing of future cases. If you truly consider Microsoft to be guilty of anticompetitive practices, please adopt effective (i.e. expensive) remedies. This is my personal opinion, and is not to be taken as representative of Intel's or any other entity's position.

Thanks
Ron McNew

There seems to be much confusion about what we mean when we use the word ''art''. I have a recommendation. We eliminate the word ''art'' and replace it with ''work'' and develop the following descriptions:

1. Work that goes beyond its functional intention and moves us in deep and mysterious ways we call a great work.

2. Work that is conceived and executed with elegance and rigor we call good work.

3. Work that meets its intended need honestly and without pretense we call simply work.

4. Everything else, the sad and shoddy stuff of daily life, can come under the heading of bad work.—Milton Glaser

MTC–00018765

From: John Econopouly
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

Summary: I am against the proposed settlement. It is a slap on the wrist that Microsoft will easily outmaneuver.

I have 15 years experience as a software developer, on numerous platforms, including Windows. I believe the proposed settlement is completely unfair—while it eliminates some of the anticompetitive practices that Microsoft is guilty of, it does not go far enough, allowing many to continue, and allowing too many loopholes for Microsoft to avoid the rest. Ultimately it will lead to an even stronger monopoly at ever-greater expense to consumers and innovation. Microsoft's stance throughout the trial, and previously—their disregard for the law—should have been a strong clue that far more drastic measures than these are required to

avoid (and police) further illegalities—if there is any loophole at all, they will find it and use it. Even if there were no loopholes—well, a better enforcement mechanism will be needed.

Some specific problems I find with the PFJ:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems—e.g. they purposely broke their applications on DR–DOS. I don't see anything to keep them from doing that again.

''API'' is defined so narrowly that many important APIs are not covered. ''Windows'' is defined so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

MTC–00018766

From:
wmcconnell@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement

Hello,

I was recently made aware of my rights under the Tunney Act to voice my opinion regarding the proposed settlement of the Microsoft anti-trust trial. I would like to state, in no uncertain terms, that I am opposed to the terms of the settlement as they stand now.

How is it that a company can abuse its monopoly position (as I understand, Microsoft was found guilty of this crime) and then be allowed to maintain that monopoly? How is it that the only punishment for someone who breaks this law is they are told they can no longer break it?

I am particularly incensed that Microsoft may be allowed, as part of its ''punishment,'' to force its software on schoolchildren (another generation of captive customers) thereby making it that much easier to perpetuate its monopoly for decades to come. The fact that Microsoft will only point to this as some act of public good is even more appalling.

I do not want to sound maudlin, but how, in the years to come, do I explain this to my young children? Perhaps it won't matter, because if this settlement is allowed, they may have no other legal choice than to use Microsoft software anyway.

Microsoft has proven, through repeated action in and out of the courtroom, that it has no respect for the government of the United States. If this is truly ''government of the people, by the people, and for the people,'' then I can only presume that their lack of respect extends to me.

Please reconsider this settlement. Microsoft must be truly punished for what it has done to true, healthy competition in the computer industry.

Thank you for your time.

Walter J. McConnell III
639 W. 14th Street
Tempe, AZ 85281

MTC–00018767

From: shaw, martha
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Hi. I actually like Microsoft, and I think it's a good idea to settle the DOJ case. But NOT before asking Microsoft to face the many charges against them, and stop to think about them like the smart people they are. Charges, as my rabid colleagues point out, like: Have you ever been burned by a Microsoft product that did not act the way it was supposed to? How about a 3rd party product that did not work on a MS operating system like it was supposed to? Have you ever read the EULA for Frontpage? Did you know that you are NOT allowed to use Frontpage to create sites that say anything negative about Microsoft? Have you ever read the EULA for Visual C++? Did you know that you are not allowed to use Visual C++ to create an application that works on a non-MS operating system? Do you not like these things and do you not like Microsoft's non-competitive ways and plans for world domination?

My colleague, who is a very very smart programmer, is obviously upset. And Microsoft, he has a point. Why do you act in a way that makes people who buy your product not like you? Is this a healthy attitude, discouraging your customers? Everytime you decide to start plotting for world domination, you lose. In fact, the smartest idea you had was your original idea—to license an operating system, rather than selling it outright. Brilliant! Brilliant idea! God, I wish I'd thought of it.

So many times you make great products! So many successes, like Visual Basic, etc., are an American tradition. You change the world with your innovation, and your organization. You take a topic like an e-book, and you step over the many fumbling people out there waving sketchy business plans, and you run down the field with it. My Pocket PC—I love my Pocket PC. I want a Tablet PC. I want to leave desktop computing behind, and go mobile and wireless! My Internet Explorer, my Outlook Express... Microsoft, you can be the American Dream in motion.

But some things you do are really embarassing to the tradition of great computer software.

1. You began the tradition of charging customers for mistakes you made in your software, by cutting out free technical support, and 1–800 numbers. Shameful. Why don't you go sit by Ron Lay for 15 minutes and think about this. Why don't you stick up for your products by saying, ''We bet we can handle the volume, because we know we designed it well.'' Well, OK, I know that's a lot to ask. But surely you could give away a little tech support? Even in jail you get one phone call free.

2. You hide everything in .dlls so that our computers are black boxes. So when they act up, we have to pay to call you, to find out it's a ''known problem''. Tsk, tsk. Would it be so terrible to tell us what it is, and what it does?

3. You release buggy software, when if any company has the money to thoroughly check their software, it's gotta be you. I know that perfection is probably unattainable, but come on—the FBI has to send America a memo on your point releases now?

4. I always thought it was fine that you include Internet Explorer with Windows. If Netscape made an operating system, they would have too! But do you have to throw tantrums and punish your partner vendors for wanting to include Netscape in their specs? What's next—do you want your own third-world country to control like some tinpot leader? Get over it, Microsoft. Stop being so infernally petty—you're the 600 lb. gorilla. Choose to be handsome about it. Let your vendors make their own decisions, and you can thus concentrate on making IE continually world class. Microsoft, you're golden, because you had, and continue to have, great ideas. And you're smart. You don't need to ''kill'' the competition. In fact, you need competition in the United States—it's the law. When Apple was going belly-up, you had to prop them up. Because you need competition. The world is moving toward application servers, mobile connectedness everywhere, personal robotics, and an information and learning universe. There is opportunity to be excellent. To even—sometimes—do the right thing. Hackers will continue to plague you, because hackers follow what everybody has—what everybody uses. And right now, that's Microsoft. Microsoft, grow up. Does IBM continually act like the kid who wants ALL the pizza at the party? Well, yeah, probably. But they're more subtle about it. Please. While you have those dreams of grandeur and glory, remember to use finesse.

MTC–00018768

From: ghost1
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

Dear Sirs,

Under the comment period required by the Tunney Act, I would like to register my opinion on the proposed settlement of the landmark Microsoft Anti-trust case.

This settlement is not acceptable. Microsoft is a vicious monopolistic predator that has stifled innovation in the computer industry for years and this settlement will not address or correct any of the past abuses, nor will it discourage future abuses. On the contrary, as we have seen, this has just emboldened MS that they can do anything without serious repercussions. I urge you to revisit the facts of the case and the trial record. They outline a track record of anti-trust abuses unlike any ever seen before. I recommend a hefty punitive fine, and the requirement that Microsoft publish its product API's to the general public. Microsoft has made billions of dollars on its monopoly, and continues to squeeze its clients for every dollar. Fair competition must be restored to the Industry if America is to retain its pre-eminence in the computer technology field.

Sincerely,
Jeff Carnell
Director Digital-Ghost Studios
www.digital-ghost.com

MTC–00018769

From: Karaffa, Linda
To: 'microsoft.atr(a)usdoj.gov'

Date: 1/23/02 5:32pm
Subject: Microsoft Settlement
Proposed settlement is a bad idea
Linda Karaffa
Information Technology Group
Weatherhead School of Management
Case Western Reserve University
Cleveland, Ohio 44106

MTC–00018770

From: peter gillespie
To: Microsoft ATR
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement

hi doj. I think that the settlement with microsoft is unfair to the public. economic experts estimated that the monopoly effect added &20.00 dolars to the cost of each copy of the Windows operating system. the antitrust laws provide for triple damages. this means that a fair settlement would require microsoft to refund $60.00 to each purchaser of their os. they have the records to enable them to do this. furthermore the settlement as proposed does nothing to prevent further abuse of their monopoly. the company has a long history as an antitrust scofflaw and ignoring rulings that are the least bit ambiguous.

do your job and protect the public interest. untie explorer and outlook from windows. unless the entire package is free it is stupid to accept their position that ie is free with the system. for certain they are deducting the costs of development from the income from windows. this means they are charging for it.

sincerely,
peter gillespie

p.s. lest you think i have a financial interest in this case i have never purchased or owned a computer capable of running windows or dos and when i get a new mac the first thing i do is delete all of the microsoft programs that come with it. this greatly improves stability and reduces vulnerability to viri on the internet. pg

MTC–00018771

From: Brett I. Holcomb
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: MS Case

As a Taxpayer I am disgusted that the Bush administration is letting Microsoft off the hook. I have been a long time support of Bush and the Republican party but this is not acceptable.

It has been proved without a shadow of doubt that MS attempted to gain a monoply and used any means, including illegal ones to do that. IBM tried the same thing in the 70's and spent many years paying for the mistake. MS needs to be punished or they will continue to extend their monoply. I am a supporter of free enterprise and have opposed restrictions imposed on business by the Democrates but when free enterprise becomes a monoply that can control all aspects of our lives it is time to stop it—that's what the antitrust laws are for. MS broke them and needs to be penalized.

Brett I. Holcomb
AKA Grunt

MTC–00018772

From: Diana Brager
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

Let me first say that I watched in horror as the justice department pursued legal action against Microsoft under Anti-Trust laws. Microsoft is not a monopoly. This case had no merit in the courts. A political agenda was created to show a company what will happen if they do not contribute heavily to the candidate's political campaigns. I believe another word for this is extortion. The states saw ''Tobacco Settlement'' size dollars added to their state budgets. The companies that pressured the justice department to take action against Microsoft weighed in heavy on the political campaigns for ''favors''. These companies asked the court to do what their own ineptness could not do. They wanted my tax dollars to be used to destroy a company that has provided so much innovation to the technology world.

1. As a consumer, I have not been hurt by Microsoft. Past experience that required me to learn software without a common base was more difficult and required extensive training. When Microsoft developed the Windows operating system it made learning new programs refreshing.

2. Literally, hundreds of new companies were created. These new companies had a base to build their programs and market their technology. If the software was written to operate on Windows operating system it had certain common features that made it easy to learn and helped the production time on my job.

3. As to the MSN internet explorer being bundled with software on new computers, it is a matter of preference. My husband and I have had numerous Internet Service Providers. They have each displayed their own home page as the default. Personally, we enjoy the MSN format. Quickly and easily we changed the home page on our computer from the Internet Service Provider home page to MSN home page. This could readily be done in reverse if someone does not want MSN. It is not an issue of monopoly. MSN does not have to be used if the consume does not want it use. There are many options.

It is for the above reasons as well as many others, I believe the Microsoft settlement is more than fair. When we have:
—Companies crumbling around us
—Thousands of workers being added to the unemployment rolls daily
—Cries for the need to rebuild America

Why would the justice department want to weaken and perhaps destroy a successful company that has helped 100's perhaps 1000's of smaller companies have Microsoft to thank for their beginning and put 1000's of American's to work? Please do not take this farce further. We have wasted too much of America's money and time attempting to tear down a company built with the pioneer spirit that made America the finest country on this planet.

Thank you for your time and attention to my opinions.

MTC–00018773

From: Kevin Williams
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft settlement

The proposed settlement is a bad idea. Microsoft has already shown that they don't abide by the spirit of consent decrees. A more lasting solution is needed, like breaking up the company.

MTC–00018774

From: Phoenix Barca
To: Microsoft ATR
Date: 1/23/02 5:37pm
Subject: Microsoft Settlement

In the 1980s, when AT&T was taken before the justices and found to have abused its monopoly and caused harm to the consumers, the justices ordered AT&T to break up and to share its technology with other long distance service providers. Because of that decision, consumers today now enjoy lower cost, more efficent, better long distance service.

The same should be done to Microsoft. For the past decade, Microsoft has illegaly used its monopoly to shut many of its competitors out of ''its'' playing field of the Operating Systems industry. Microsoft, like AT&T, does not offer a better, higher quality service or product. Instead, it uses its position to fix OS prices and gouge the consumer. This is exactly what AT&T did in the 1980s. AT&T was punished with far more than a mere slap on the wrist. Why should Microsoft be treated any differently for the same behavior? It makes no sense.

Also, monopolies are dangerous to the consumer and to the government. A recent example is the Enron disaster. Imagine if Microsoft were left alone to maintain and abuse its monopoly, only to one day crash and go bankrupt. The effects and damage would be catastrophic on the US economy and the IT industry.

Kelly Beard
Vicksburg, Mississippi

MTC–00018775

From: Brian Campbell
To: Microsoft ATR
Date: 1/23/02 5:37pm
Subject: not good enough!

As a consumer I find myself forced into using solutions that rely on substandard Microsoft technology more and more. Ignoring the fact that their products are of poor quality, their monopoly is obviously having a negative affect on competition in the marketplace. The settlement, as it stands, isn't nearly enough. Much more has to be done to protect my rights as a consumer.

Brian Campbell
Creative Lead
http://www.KBkids.com
(303) 226–8681

MTC–00018776

From: Jingoro
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Jason C. Glass
1503 Misty Cove
Austin, TX 78754

MTC–00018777

From: Kyan Mulligan
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement

Without going into a lot of detail, I strongly support harsher penalties toward Microsoft, and a restructuring of their business to quell anti-competitive practices. Their settlement should not allow them to gain an edge in the education market, one of Apple's last niches.

Kyan Mulligan
Student, College of William and Mary

MTC–00018778

From: Carol Wahrer
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Briefly, I feel the proposed settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis. This analysis is available at the following URL: http://www.kegel.com/remedy/remedy2.html

I also agree with the conclusion reached by Kegel's document. Specifically:

—The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue.
—The settlement would delay the emergence of competing Windows-compatible operating systems.

Therefore, the settlement not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Carol Wahrer
544 Nightingale St.
Livermore, CA 94550
(925) 447–8759
cwahrer@attbi.com

MTC–00018780

From: Travis Riley
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

Hello,

I am just writing to let you know that I feel that the proposed settlement for the Microsoft case is bad idea, I don't agree with it at all.

Travis Riley
travis@tuxboxproject.com
Visit the TuxBox Project at...
www.tuxboxproject.com

MTC–00018781

From: Kimberley Burchett
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

I am a senior-level programmer, having worked in this industry for the past seven years.

I object to the proposed microsoft settlement because, while it does require microsoft to release details of their protocols and file formats, it allows them to obstruct the process of gaining access to that information. Specifically, the requirement that the would-be competitor ''ask'' microsoft for the information (thereby tipping off microsoft to the existence of all competition ahead of time), and that the competitor have a legitimate ''business'' reason for asking, present too high a barrier to entry.

Microsoft knows that a significant portion of the competition that they face will come from open-source developers. It is probable that the difficulty in gaining access to this information will deter many would-be competitors from even bothering, given that these developers will be working on their own initiative, without pay, and without any legal force should their requests be ignored.

I once worked on an open-source project that examined java class files. The microsoft java compiler had the ability to embed additional information in the class files that it produced, and I wanted my product to be able to gain access to that information. Microsoft made a cursory attempt at documenting their format, but specific numbers were omitted— these numbers were necessary in order for my tool to be able to recognize the microsoft-specific information at all. I sent an email to the named contact for their specification, requesting clarification. I received no response. As I was but a single individual, I had no ability to command their attention.

I suspect that microsoft would similarly ''actively neglect'' any future specifications that they might be required to be released by this settlement. Making the specifications public on a website would be EASIER for them than only releasing them upon request. And I expect that making them public would provide a greater incentive to make them comprehensive as well.

Kimberley Burchett
Endeca Technologies, Inc.
Cambridge, MA

MTC–00018782

From: J Sloan
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Settlement

Dear Sirs,

As a tax-paying, law-abiding citizen, I feel I must express my outrage at the possibility that the convicted monopolist will get away with its crimes.

Please stop this monster before it causes further damage to the computing industry.

Best Regards,
Joseph Sloan
Fullerton, Ca

MTC–00018783

From: James Affeld
To: Microsoft ATR
Date: 1/23/02 5:42pm
Subject: Microsoft Settlement

I object to the proposed settlement for several reasons.

1) It does not change any of the anticompetitive behaviors because the focus is too narrow. Forcing ms to allow other implementations of java is irrelevant to MS strategy. It specifically excludes non-commercial software (''Open Source'') from consideration for open API's. This is crucial, because open source projects are the most significant competition MS has.

2) It doesn't really punish MS for its actions. Remember: MS has been found guilty.

MTC–00018784

From: timdouglas@maclaunch.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00018785

From: Ophir Gottlieb
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Settlement

This settlement is unfair... Do not let Microsoft buy their way out again... For example: Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

This is one example of many that is unfair...

Thank you

MTC–00018786

From: M(038)ECompeau
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Office(TM) monopoly

What is being done related to the Microsoft monopoly for office-suite software? Surely, Microsoft must have 99.5+% market share for their Excel and Word office productivity applications? It is said that the reason they included PocketWord and PocketExcel with the PocketPC operating system on their handheld devices is due to their interest in preserving the Desktop PC ''Office'' dominance, and preventing the encroachment of other comers in that segment. Why is this not being investigated or discussed?? Why are you not speaking to Corel (WordPerfect Suite) or IBM (Lotus SmartSuite) about MS'' anticompetitive actions related to Office productivity software?? (comments of an individual concerned citizen)

Mike Compeau
1050 N Keel RIdge Road
Hermitage, PA 16148
724–962–5944
CC:mike@compeau.net@inetgw

MTC–00018787

From: Brent Grassman
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement

Please don't let Microsoft just buy their way out of this. They have broken the law. They should be punished. Money, even one billion dollars, mean nothing to them. You

know they will just keep up the same dirty techniques. Here's what to do:

1) Open the source code.

2) Break them up.

Thank you.

MTC–00018788

From: Kevin Martin
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

I wish to add my name to the record of individuals opposed to the proposed settlement of the antitrust case against Microsoft Corporation. I am a professional user of computers with more than twenty years in the industry, and was shocked by the cynical disregard for the law, for society, and for individual rights amply proven by the prosecution's evidence. It is utterly unacceptable that the court would accept the self-serving attempt by Microsoft to extend its monopoly even further by ''donating'' its products—to a captive audience at a price they set themselves!—in order to buy its way out of the appropriate remedy.

Kevin Martin,
Systems Administrator, GLOBIX
I am speaking as a private citizen.
(212)625–7376
<kmartin@globix.com>

MTC–00018789

From: bill hawe
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement—Bad Idea

Dear Sirs:

As a citizen of the United States and an avid computer user, I find the proposed settlement of the Microsoft anti-trust case to be horrific. The proposed settlement does little if anything to curb the anti-competitive practices of Microsoft. It does not punish them for breaking the law. In fact, it may even further their almost exclusive monopoly. I do not understand why the government would undertake a massive legal effort costing large sums of our taxpayer dollars, win the resulting case and then ask for such a paltry penalty. This settlement will not protect me as a consumer (OS cost per user keeps going up), me as an independent software developer (don't make to good a product or Microsoft will integrate a clone in the OS, a la InternetExplorer, or Window Media Player or ...), nor me as an investor (Netscape being the most famous example).

So please reconsider this ''Settlement''. It will not help anyone other than Microsoft. Allow us to return to the days where the best product at least has a change of success.

Thank you,
Bill Hawe
San Diego, CA

MTC–00018790

From:
edfagerb@ganymede.or.intel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

Dear Sirs:

I would like to make a few comments about the DOJ's proposed settlement with Microsoft.

In the past I have worked for several companies that have been directly damaged by Microsoft's anti-competitve behavior: WordPerfect, Novell, and Corel. Early on in the computer industry you bought a computer and then you bought the software to put on it. Then came the age of OEM bundling. At first it seemed like a great idea but then big companies with commanding market share started leaning on OEMs to bundle more of their software and less of their competitors. WordPerfect, Lotus 1–2–3, and Netscape all died as a result of just this sort of tactic by Microsoft.

Even the Intel division I used to work for was sent into a tailspin by Microsoft bundling pieces of SMS (previously a completely separate product) into Windows 2000. The LANDesk Management Suite group employs about half as many people as it used to because they are losing market share. SMS didn't get any better it just got a better distribution channel.

Now with the release of Windows XP there is a new list of targets. RealNetworks is the one that comes most readily to mind. I can tell you that if I had any of their stock I would have already sold it. The audio and video streaming stuff that Microsoft has bundled in to XP is directly aimed at taking them out.

So as I see it, Microsoft has done two sorts of anticompetitive things. One, use their Windows monopoly to force OEMs to bundle Word/Excel/etc. They killed WordPerfect and Lotus with that one. Two, bundle things like their worthless browser into Windows which gives them a tremendous distribution advantage. They killed Netscape with that one.

So where in the proposed settlement is this sort of behavior prevented in the future? No place I can see. And where in the proposed settlement is redress for all the companies (I have only named a couple of the largest) that Microsoft has killed with their anticompetitive behavior? It isn't there. So what sort of a proposed settlement is this? A pretty lousy one. One that holds every bit as much weight as the 1995 consent decree which they were wiggling around and flouting before the ink was even dry.

And what of the highly vaunted ''right to innovate''? Well, the government tried to reign Microsoft in and failed (for whatever reason) and now what little or even big company is going to go up against a company that wields its monopoly power with such might that not even the government can stop them? Only the very foolish. The only innovation we will see is what Microsoft decides to give us. And all the great ideas that could have been will never be.

In short, the DOJ has failed us. The settlement should be thrown out and the judge should impose a remedy. Judge Jackson did some stupid things but he saw Microsoft for what they are and his rememdy would have gone a long way towards preventing further occurances. I would like to see prevention —and— redress addressed in any settlement or imposed remedy. Justice demands nothing less.

Sincerely,
Eric Fagerburg

MTC–00018791

From: Mark W. Snitily
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001

I have been gainfully employed in the computer software/hardware sector for 21 years. Prior to that I earned my Bachelor of Science in Computer Science at the the University of Washington, Seattle, Washington in 1978. I was accepted into the University of Washington's Computer Science Ph.D. program and continued graduate studies there for an additional three years.

The University of Washington campus is directly across from Microsoft; Lake Washington with its Evergreen floating bridge separates the two. With Microsoft so close and being a student in the Computer Science department, needless to say, Microsoft was a topic of discussion even way back in those days.

Unlike the current discussions of Microsoft in the news, back then the mention of Microsoft was usually in the context of a joke. Microsoft's DOS and Basic were so inferior to numerous other operating systems and languages, it truly was a joke. But, it has never ceased to amaze me how Microsoft could market and sell—and the tactics that they used... They undermined competition one after another, year after year. I have watched Microsoft from the early days. Regarding the Microsoft Settlement, I think Dan Gillmor's column in the San Jose Mercury News on Friday November 2, 2001 says it best. He titled that column ''A Fraudulent, Cynical Settlement.'' Quoting from that column: ''This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil.'' Full column can be accessed at http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm

I won't delve into the issues of this settlement, many others have done that and have spoken exquisitely—I would only be repeating them. Rather, I am voicing my opinion as an expert in this field. I have had my own consulting business in Silicon Valley since 1984. I have personally worked with over a dozen different operating systems. (Stopped counting OS's after I got to 16, could probably think of a few more...) I have worked with a multitude of different computer languages. I have watch competition strive in various fields and watch competition be choked to death in others.

I have watched businesses be born... and watched businesses die... I will unequivocally state that the terms of the Microsoft Settlement are not in the best interests of the public, not in the best interests of business competition, and without hesitancy should be rejected.

Thank you.

Mark W. Snitily

4441 Lazy Lane
San Jose, CA 95135–1805
Member of ACM, IEEE.

MTC–00018792

From: THX 1138
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

To Whom it may concern:

I am very upset by the actions taken by Microsoft with regard to the anti-trust laws of this country. Their inexcusable actions have cost businesses millions in lost time and security breaches due to problems they themselves have created and ignored. Meanwhile they have silenced those who seek to rectify these problems. This kind of business should not be able to survive, let alone prosper in a capitalistic society. The way they have survived is by breaking anti-trust laws, regulations, and prior commitments to uphold their own self-interest. The time to stop them is now. Punish this company properly, they have proven the will not abide by laws nor agreements in the past, what is to make us think that they will in the future?

As a concerned citizen of this nation, I felt it my duty to let my voice be heard.

Thank You,
Ben Truesdale
Columbia, SC

MTC–00018793

From: Geoff Klingsporn
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is a horrible idea. It represents nothing less than official government sanction for Microsoft's predatory business practices, not to mention their extension into one of the few markets that Microsoft does not already dominate. There must be a better way to achieve Justice.

Regards,
Geoffrey Klingsporn
Denver, CO
gck@mac.com

MTC–00018794

From: Joe Egan
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

I'm against the microsoft settlement. Having them use their OS as payment is like giving them the right to print money. I wish I couuld pay my penalties with CDs that I write myself.

Joseph Egan
472 Huntington Avenue
Hyde Park, MA 02136

MTC–00018795

From: Scirocco Six
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

I am appaled by the currently proposed settlement. It leaves the citizens of this country in a worse position regarding Microsoft than we were before the justice dept came on the scene.

Scirocco M. Six
San Jose, California

MTC–00018796

From: Jeff Doran
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

This is a brief note to register my conerns with the settlement phase of the anti-trust case against Microsoft. Since Microsoft has seen fit to use it's considerable desktop OS advantage in a monopolistic maner, it is only fitting that steps should be taken to provide more competition in this arena. Microsoft has given no indication of any contrition and has shown no signs of changing any of the practices in question. At the very least they should return their ill gotten gains.

If Microsoft wants to truly let the customer decide, then make them open up all of their internal OS API's. Require them to use the same programming interfaces for their applications as their competitors. Have them provide a modular OS where the user can choose to replace the pieces that do not provide fair value. Competition means that there are credible choices.!

Thank you for your time.
–Jeff Doran

MTC–00018797

From: David M. Plummer
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

I believe that the proposed settlement is improper and will only encourage Microsoft to further abuse its monopoly.

David M. Plummer

MTC–00018798

From: James Sentman
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

Dear Sirs,

I am a computer developer and intimately familiar with Microsoft's products and procedures. I do not support the current proposed settlement as I believe it will provide no protection from future illegal actions by Microsoft and provides no justice for those illegally affected by them in the past.

Even since this trial began Microsoft continues to make business decisions with the obvious goal of using their monopoly power to illegally force others out of the marketplace. The examples of this are numerous, and I will gladly supply a lengthy list if you wish. They continue to show their disrespect for the American legal system believing themselves to be beyond your reach.

Please reconsider this ''deal'' and give us justice and a world where we can compete with Microsoft in a marketplace where everyone doesn't use Microsoft products simply because they were illegally dumped into their lap.

Only a corporate culture of such powerful elitism and confidence in their own immunity to reality could be responsible for the patently ludicrous statements that they have recently issued against the Open Source community. The only people threatened by the Open Source movement are Microsoft. They fear they may have to compete with something for the first time in many years and they know that can't succeed without their monopoly powers. Take away Microsoft's ability to leverage their monopoly and the market will make the right decisions.

Thank you,
James Sentman, president sentman.com
Richmond, VA
<james@sentman.com>
http://www.sentman.com
Enterprise server monitoring with:
http://whistleblower.sentman.com/

MTC–00018799

From: Todd Blackley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

Dear DOJ,

I have been a programmer for the past 20 years and I remember the field when it was full of choices and options. Today, with Microsoft the development choices are limited to Microsoft or risk your job. Please do not let Microsoft off the hook. They have no business in ''owning'' both the OS, Office and development tools that everyone must use. For the Software Development field (and the resulting Office, OS and Shrinkwrap) continue to develop, the field must remain open to multiple choices and options. Please break up MicroSoft!

Thank you for your time.
Todd Blackley
tblackley@worldnet.att.ne
435.649.5300 x115

MTC–00018800

From: jmiranda
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

This settlement is a bad idea and I am against it.

Jose Miranda, MD

MTC–00018801

From: Dave Booth
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

As an individual IT professional I am writing this to include my personal comments in the responses to the proposed Microsoft antitrust settlement. These comments are mine and do not necessarily represent the opinion of my employer.

Since before the Windows operating system was available I have been a user of Microsoft products. In some areas they excelled, in others they were easily surpassed by others. Over my career in IT I have personally observed ever-higher barriers raised to interoperability between Microsoft products and those of other software producers. This resulted in the creation of the current monopoly situation enjoyed by Microsoft and has, in my opinion, been primarily responsible for its continuation by allowing Microsoft to stifle competition through simply changing their APIs and protocols faster than they could be reverse-engineered to compete. I am very disappointed to note that the proposed settlement leaves far too many loopholes to

inspire any confidence that this will not continue.

In particular the provisions of section III.J.1 are too broad. Anti-piracy or software licensing concerns are a valid exception in the context of this section but security, encryption or authentication methods that rely on obfuscating their mechanism for their effectiveness are fundamentally flawed, to the extent that it could be viewed as fraudulent to classify them as ''secure''. This being the case, disclosure of the mechanism by which these APIs or Communications Protocols operate should not place Microsoft at any disadvantage—The competitor they seem to most fear, namely open-source software, discloses all these mechanisms and yet still has a better security record than all of Microsofts products. On the other hand, allowing Microsoft to eclude these APIs and Protocols from disclosure allows them to prevent interoperability between their software and others by a very simple stratagem. It does a third-party program very little good to be able to work with files in a Microsoft-derived format if it is impossible to authenticate to the server on which they reside without using the Windows OS.

In addition, one provision which assumes a greater significance in the light of this loophole is absent from the proposed settlement. This is the demonstrated strategy of ''Embrace and Extend,'' used by Microsoft to gain control over hitherto open standards. In this strategy Microsoft publicly adopts an agreed standard that is already in use within the IT community and begins to market products that conform to that standard. Future releases of these products ''extend'' the standard with Microsoft-proprietary additions which gain market share due to Microsofts ubiquity rather than through the accepted and proper process of review. The eventual result is that Microsoft has dictated a change in the standard and in the process ensured that other products that comply with that standard are no longer percieved as fully functional. It is imperative that some prohibition on this behaviour is included in the final settlement.

On this basis I strongly urge the rejection of this proposed settlement.

Yours sincerely,
J D Booth
944 Larpenteur Ave
St Paul, MN 55113 (home)
Systems Administrator
Carlson Wagonlit Travel
PO Box 59159
Minneapolis, MN 55459–8231 (work)

MTC–00018802

From: Paul Felts
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

As a user and proponent of an alternative operating system (Linux), I feel that the proposed final settlement in the Microsoft case offers no real remedy. The judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. I feel that the settlement need to be revised.

Paul Felts
CSF / Elderhostel Tech Support
Ph: 805–648–6342
Fax: 805–648–7504
web: www.eldervision.org

MTC–00018803

From: Pierre Scotney
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:45pm
Subject: microsoft settlement

The proposed settlement is a bad idea.
Please improve.
Regards
Pierre Scotney

MTC–00018804

From: James Affeld
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

I object to the proposed settlement for several reasons:

1) It does not change any of the anticompetitive behaviors because the focus is too narrow. Forcing ms to allow other implementations of java is irrelevant to MS strategy. It specifically excludes non-commercial software (''Open Source'') from consideration for open API's. This is crucial, because open source projects are the most significant competition MS has.

2) It doesn't really punish MS for its actions. Remember: MS has been found guilty.

In addition, I strongly urge you to carefully assess the legitimacy of pro-microsoft comments. Microsoft is an inveterate astroturfer. Their pr machine is addicted to faking grassroots support.

From: James Affeld
<jamesaffeld@yahoo.com>

MTC–00018805

From: Gang Zhou
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Gang

MTC–00018806

From: David L. Sanford
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the current settlement terms. I think the settlement fails to punish Microsoft for its illegal activities. I feel that if the past illegal activities are not punished, then Microsoft is given the message that such conduct is acceptable to the legal system. Consequently, I think that the current settlement provides no requirement that Microsoft change its underlying business practices in the future and would expect that Microsoft will continue those business practices, despite the judgment against it.

David L. Sanford
Seattle, WA
currently, an unemployed programmer
David L. Sanford—
I.N10.2@programmer.net

MTC–00018807

From: Pierre Scotney
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:49pm
Subject: microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Pierre Scotney

MTC–00018808

From: David Barzelay
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

proposed settlement is horrible.

MTC–00018809

From: Tom Howland
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

The settlement does not go nearly far enough. Microsoft should not be given the educational market as punishment. Instead, let them buy hardware and get Red Hat to supply the OS.

Sincerely
Tom Howland
408 330 5782

MTC–00018810

From: Brandon Bidewell
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

I am extremely disappointed in the proposed final judgment (PFJ) that the Department of Justice has signed with Microsoft. The fact that many plaintiffs in this case are not party to the PFJ is a clear sign that the PFJ is unacceptable. It's been more than 5 years since the DoJ first took Microsoft to task; is the Department of Justice going to cave in now? If the PFJ is the most that Microsoft would concede then this issue should have been left to the judge to settle.

Microsoft's monopoly is travesty of free markets, and the PFJ is a travesty of justice. Any settlement with Microsoft that imposes conduct restrictions is doomed to fail. As Microsoft has done in the past, it will freely violate the law and taint the competitive landscape to its sole benefit. Assuming that laws could somehow be meaningfully enforced upon Microsoft, the PFJ contains many vague and incomplete terms and statements that will cause Microsoft to redefine its actions and restructure itself to avoid complying with the PFJ. In simplest of terms, if Microsoft was interested in following the law it would have done so.

The PFJ makes a half-hearted attempt to get Microsoft to voluntarily comply with the law and creates a limited structure meant to regulate Microsoft through further court action (IV.(A)(4) ''The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment''). Given the current status of the case, the courts should be acting now to enforce the law. One would hope that future mis-behavior by Microsoft could be effectively thwarted by something besides the threat of future court action. Past actions have proven Microsoft to be a determined monopolist that is unable to self-regulate and unwilling to be regulated. This type of vague agreement would have been reasonable 5 or 10 years ago. Microsoft cannot be expected to act reasonably and within the law.

The only option that remains is to remove the monopoly from Microsoft, thus preventing all possible unlawful actions by Microsoft. Either Microsoft is split up and effectively competes with itself or Microsoft forfeits control of its monopoly to remain a single organization. Given the uncertainties that would be involved in breaking up Microsoft and Microsoft's certain resistance to this, the forfeiture to the public domain of Microsoft's software code and patents is necessary and reasonable. This is a sure and equitable solution given that Microsoft would retains all of its employees and its cash from which it can then freely innovate and create new products.

Now is the time to free the software market from the dominance of Microsoft. Anything less will continue to strengthen Microsoft to the disadvantage of all but Microsoft employees/shareholders.

I recommend that you review the following document before forming an opinion as the need to dismantle the monopoly Microsoft has created: http://usvms.gpo.gov/findings_index.html

Sincerely,
Brandon Bidewell
P.O. Box 2610
Alpine, CA 91903–2610
brandon@advmsg.net

MTC–00018811

From: Larry Glackin
To: Microsoft ATR
Date: 1/23/02 5:49pm
Subject: Microsoft Settlement

Dear Sirs;

I agree with Matthew:

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' said Matthew Szulik, CEO of Red Hat. ''Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly.

My own thoughts....

Microsoft could reduce its prices across the board, they could still operate at a profit. The penalty should be something that makes a difference to Microsoft, the amount should be more like 30 billion dollars—that is Microsoft's reserve. It could be a combined thing, new hardware for schools using the Red Hat software proposal and the rest in reduced prices until the 30 billion has been spent...

Thank You
Larry E. Glackin
President ICE Communications, Inc.
P.O.Box 1149
Haines, Alaska 99827
907 766 2092 -voice
907 766 2325 -fax
Http://www.WytBear.com
Wireless Internet in Southeast Alaska

MTC–00018812

From: bwthomas@cs.uchicago.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

It is my informed opinion that III.J.2.(b,c) allows Microsoft to restrict access to it's various API's unfairly. Namely, ''has a reasonable business need ...'' and ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' It is simply not the case that all software development is driven by business, or hopes of profit as it were. There is a very thriving community of developers who develop ''Open Source'' or ''Free Software'' (see definitions for Open Source and <http://www.opensource.org/docs/definition_plain.html''> Free Software) applications.

Allowing restriction of system interoperability is clearly anti- competetive; allowing discriminitory licensing to Microsoft's various API's based on the organization that a developer is affiliated with will do just that. Microsoft will use this clause to its advantage in continuing its unfairly gotten monopoly by disallowing access to it's API's to any entity that isn't a ''viable'' business, i.e. Free Software & Open Source developers.

Blake Wesley Thomas
Student, University of Chicago
Senior Tutor, Computer Science Laboratory

MTC–00018813

From: Shailar Brown
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

Please enforce a much stronger remedy than what is currently being proposed. The current remedy will have no effect at best, and might even be harmful due to selective interpretations of the rules. Microsoft has damaged the industry greatly by consistently squelching innovation, producing inferior products and illegally destroying competition.

The breakup was indeed the best proposed remedy by far. It would be best for consumers, the industry and even Microsoft itself (although it is easy to see why senior management would be loathe to give up their little fiefdoms).

shailar.brown
The DPC Group
CTO
www.dpcgroup.com

MTC–00018814

From: Logan Roots
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:49pm
Subject: AGAINST the proposed Microsoft settlement

Hello,

I am against the currently proposed settlement with Microsoft.

Thank you,
Logan Roost

MTC–00018815

From: Mike Graham
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

Hello,

I beleive that the results of the current settlement should be more closely examined. I don't beleive the current settlement will have much of an effect on Microsoft or the software market at all. Please reconsider. There are other settlement choices that may actually do something (ie Thomas F Reilly of Massachusetts proposal).

Mike Graham

MTC–00018816

From: Jack Mathews
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

I felt that I would not feel right complaining about the outcome of this trial unless I were to at the very least make my thoughts known.

And my thoughts are that Microsoft has used it powers both legally and illegally to make inroads into markets it has no business in. It used Windows to crush Netscape, it has been using its unique positions to wage a war on RealPlayer, it is now using its position with Windows XP to make a global authentication system which they get money for.

They are not held liable for the billions of dollars of damage caused by them crushing other businesses instead of focusing inward to fix security problems. The kinds of damage caused recently are the direct result of Microsoft spreading itself too thin, and even now its best solution is to issue a memo and trying to squelch security professionals.

Now Microsoft has entered my industry—the video game industry—through their

inroads in controlling Windows. They control the graphics in Windows, they make a Windows machine, and they have the money FROM that to operate at a huge loss to generate revenue. They give away Internet Explorer and Windows Media Player for free, full featured, because they can leverage it from the operating system sales and make strategic partnerships with contents providers. Both inroads made to prevent competition they MAY have.

They are a juggernaut that must be stopped. Split up, heavily taxed, or held accountable for the billions of dollars of loss.

They are able to raise and lower prices at will, and are adopting a subscription based service for upgrades that consumers DO NOT WANT. They give out their development tools for free, but will crush anyone using their tools to compete with mere numbers of programmers and the ability to put things on the desktop. They are a juggernaut who show no signs of letting up or letting others compete.

Thanks for your time.

Jack Mathews

MTC–00018817

From: jon
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

this proposed settlement is bad idea, it only help microsoft by ''forcing'' them to ''donate'' computers to schools! they will make a nice profit off all the lisences they ''donate'', yet charge for, in all those schools. i think this settlement should be seriously reconsidered.

Jon Jordan
Computer Science 2 student
Mayde Creek High School
Katy, Texas

MTC–00018818

From: Matthias R(00F6)nsberg
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Micrsoft Settlement

Hi there!

Chipping in my $.02 from Germany I just like to ask for some intellictual, human ''THINKING''. Microsoft has brought itself into the position it faces now, because of not following the law. Please remember that the findings in that big case brought to daylight that Microsoft engaged in lying, fraud, suppression and manipulating so-called objective studies and even paying analysts. Have them bleed. If I remember correctly, they have some $15bln in cash. Everything less than $10bln cash penalty is peanuts to them, keeping in mind that that other trial, with Judge Thomas Penfield Jackson unfortunately being removed from the case, will now, under the Bush-administration, probably lead to NOTHING!

Thanx,
Matt Roensberg
Lohkoppelstr. 23
22083 Hamburg
Germany
Tel.: +49–40–20004970
mail: roensberg@gmx.net

MTC–00018819

From: doug
To: Microsoft ATR
Date: 1/23/02 7:15pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea. I agree with the statements in this essay:

http://www.kegel.com/remedy/letter.html

Thank you.

MTC–00018820

From: Thomas Bohmbach
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

I am writing to voice my concern that the current Microsoft settlement proposal is little more than a slap on the wrist and will not accomplish its goals of rectifying the monopoly abuses that MS has been found guilty of. Specifically, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

Sincerely,
Thomas Bohmbach, Jr.
Senior Software Engineer
MLT Vacations, Inc.
tbohmbach@mltvacations.com

MTC–00018821

From: Tai
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I believe that this settlement is one of the worst things that you can do to American consumers and the economy. You are allowing a convicted monopolist to continue to do what it has always done, crushing any and all competition, only now, it has the weight of the law. Passing this law would mean AT&T should not have been broken up years ago.

Please go with the 9 states that are not onboard this gravy train for Microsoft. Please do not go forward with this crazy idea of legalizing the crushing of a monopolist's competitors.

Thank you very much.

Tai

Disclaimer: My opinion is my opinion alone. My company pays for my expertise, but not my opinion.

MTC–00018822

From: SciFiDog@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

I am sure you've received many mails about the inadequacies of the proposed settlement. It does not pro-actively and positively ensure that ANY application from ANY size Company is protected from the monopolistic and anti-competitive practices of Microsoft.

Furthermore, it does not guarantee alternate OS provider's the ability to make Microsoft applications compatible with alternative Operating Systems. The special master(s) onsite in Redmond MUST have enforcement authority to make Microsoft play fairly against any other competitor. These four guarantees (1: any size competitor is relevant 2: MS OS plus 3rd party applicatios 3: Competitor OS compatability w/Microsoft applications 4: ENFORCEMENT AUTHORITY for the Special Master.) are necessary! The settlement, as proposed, will not satisfy the law because it will not stop the monopoly practices! All else would be fair game, in my book.

Don't let them kill the culture of innovation and Garage capitalism!

Brenda White (No Affiliations. Just a consumer.)

El Segundo California

MTC–00018823

From: John Angelico
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 5:57pm
Subject: Microsoft Proposed Anti-Trust Settlement

Whilst I am outside the US jurisdiction of the Microsoft and Dept of Justice anti-trust proceedings, I am opposed to the settlement proposed, since I believe it is ineffective in dealing with the breaches of anti-trust provisions and the abuses of monopoly power already proved in the case. As a long-time user of computers in a wide variety of businesses, the abuse of monopoly power demonstrated in this case represents a diminution of my freedom of choice in computing and therefore an unwarranted restriction upon the operation of my business.

Yours sincerely,
John Angelico
Owner/Director
Kingsley Educational Pty Ltd
PO Box 310
Mt Waverley 3149
VIC Australia

MTC–00018824

From: Stewart J. Stremler
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

Of the innumerable complaints possible with the Microsoft settlement, only a couple will be made here, with the understanding that this is not the sole complaint this writer has with the proposed settlement. In part III, section J (''No provision of this Final Judgment shall:''), both points seem to be an obvious evisceration of the suitability of the proposal. It effectively asserts that Microsoft's policy of not disclosing essential information to potential competitors if it doesn't want to.

The one caveat, where they apparently CAN (by my interpretation) be forced to reveal details of their APIs ''if lawfully directed not[1] to do so by a governmental agency of competent jurisdiction'' would apparently give them sufficient ammunition to protest long enough to /change/ the API or details to be revealed.

Further, in 2(b), it says ''meets reasonable, objective standards established by Microsoft''—certainly, any such standards will, by the fact that they are being established by Microsoft, NOT be ''objective'', but necessarily ''subjective''. It is not in the best interests of Microsoft to be objective.

[1] This is the second negation of a double-negative, the first being the heading of

section J, that begins ''No provision''. However, this is a long ways, textually, between the negatives, which does not aid clarity.

Stewart Stremler
Office: 619—553—3129
stremler@g2ss.com
Employer: G2 Software Systems
stremler@spawar.navy.mil

MTC–00018825

From: Leon (Lee) Langan
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

I am not an attorney nor do I use Intel-based computers. I am an experienced computer user who favors Apple-based machines. I am forced, as well, to use computers based on Microsoft operation systems.

I believe the settlement proposed is an unfair resolution to the findings that show the damage that Microsoft has done over the years in establishing themselves using monopolistic business practices. As a result of their tactics ''standards'' (common procedures) have been developed that limit users, in a practical sense, in the choice of computer solutions available. Frequently these procedures have be derivations of concepts developed elsewhere (yes, often at Apple, but at Netscape, Sun and in numerous small ventures).

I believe that, because of the findings of fact, Microsoft should be required to place their operating system in the public domain and then be allowed to compete in making improvements and applications and services if they so choose. The price of monopolistic behavior should be the loss of proprietary ownership.

Lee Langan
LANGAN PRODUCTS, INC.

MTC–00018826

From: gkern
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: unfair for microsoft

if i were a judge, this case would have been thrown out before it ever became so ridiculous. it only goes to show what our gov. is really made of.its a shame that the gov. doesn't really represent the people. any fool can see that its all about money. microsoft has it and every so called company including thier gov. wants part of it. it doesn't pay to futher yourself in this country unless your a politician or a judge. needless to say i think microsoft is a great co. and good for america.

thank you

MTC–00018827

From: Brandon Dorman
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

Hi,

I think the current proposed Microsoft settlement is not good. We must change it to keep the American dream alive.

Sincerely
Brandon Dorman
brandonfpu@yahoo.com

MTC–00018828

From: Marc A. Tamsky
To: Microsoft ATR
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

May it please the court:

The following section, offset by the text ''COMMENTS FOLLOW'', is to be entered in the record under the public comment period required by the Tunney Act(15 USC 16), in the case (United States vs. Microsoft).

The proposed settlement ''Stipulation and Revised Proposed Final Judgment (11/06/2001)'' has several shortcomings not addressed by the court's judgement, but which still stand as important issues.

My comments here address, in my view, the most important shortcoming. As cataloged by the Court of Appeals in this case, one of the important anticompetitive, exclusionary acts that Microsoft has used to bolster application barriers to entry is the withholding of critical technical information regarding the format and design of application file formats (eg. Word, Excel, Access documents.) In the Remedial Proposals by the several States [Civil Action No. 98–1233 (CKK) (State of New York, et.al., v. Microsoft)] 14.b. contains the following text: ... all technical information required to port Office to other Operating Systems (INCLUDING BUT NOT LIMITED TO FILE FORMATS)... [emphasis added]

For the courts to have declared certain actions on the part of Microsoft anticompetitive, and then not address that type of behavior in the final disposition is unforgivable, and such judgment is not in the public interest.

The Court of Appeals in this case held:

''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct,'' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'''

Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)) (citation omitted).

Given the findings by the Court of Appeals and the above quoted stipulation, allowing Microsoft to continue it's practice of non-disclosure of file formats must be seen as ''likely to to result in monopolization in the future.''

Without demand of remedy by court to have full public disclosure of file formats intended for interchange of information between individuals would leave the public in the same place as it was before this case—with Microsoft holding the monopoly in applications, by way of the lack of independent software vendors being able to read and write Microsoft-proprietary application file formats. I thank the court for its attention to this important matter.

Marc Tamsky
Citizen of California,
United States of America.

MTC–00018829

From: Christopher Adam Telfer
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

I am writing to submit my comment regarding the proposet settlement with Microsoft. I find that there are many problems with this settlement. One in particular causes most of the stipulations placed in this settlement to be completely ineffective at preventing any of the abuses that the settlement seeks to curb.

Section VI: U.''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

Allowing Microsoft to have full authority over what is and isn't part of the Operating System allows them to control when many of the stipulations of the settlement come into play and when they don't. A significant portion of the antitrust trial centered around whether Internet Explorer could be removed from the Windows. Microsoft contended that it could not because it was ''part of the operating system''. The courts found otherwise. This is a historical example of where, if Microsoft had full authority to name what was part of the operating system and what wasn't, it would have abused the legal process and avoided just judgement for its offenses.

This clause should be removed. At the very least, a third-party panel of authorities in the computing field should be used to make such a determination if it ever comes into question.

Christopher Telfer
Graduate Student
Purdue University
West Lafayette, IN

MTC–00018830

From: H.B. Telling
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

My name is Harry Bart Telling, I live in Alaska. I do not feel that sufficient restrictions are going to be placed on Microsoft. There is more than enough evidence to see that Microsoft is a monopoly with a deathgrip on the internet and the personal computer market. I believe that harsher restrictions need to be placed on Microsoft, in order to foster a free and competitive operating system and internet market.

Thank you,
Harry Bart Telling
fshbt@aurora.uaf.edu

MTC–00018831–0001

From: Daniel Sauerwein
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: The Microsoft Settlement

The proposed judgement regarding Microsoft's obvious abuse of competition is fatally flawed. As a concerned consumer I wish to voice my opposition to this settlement, which leaves Microsoft's tyrannical stranglehold on the industry practically untouched.

Daniel Sauerwein

MTC–00018831–0002

MTC–00018832

From: Stanley S.
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I have reviewed some of the actions to be taken against Microsoft and they are just giving them more reason to be anti competitive. By giving schools computers and software they increase their educational presence and also take a tax write off. They have a history of offering low prices for competitors ideas and if they don't get it they offer it from free forcing the other company out of business. Please consider breaking up and fineing them to the maximum. Allow more free competition and other computer languages to flourish.

Thanks
Stanley Silverman
Plantation Fl.

MTC–00018833

From: Fritz Knack
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To whom it may concern:

As an Information Technology professional with almost twenty years of experience with various hardware, operating systems, and the people who use them, I must protest the terms Microsoft has proposed for the settlement of the anti-trust suit brought by the US DOJ. By putting more Microsoft software into classrooms, the bottom line result would be a still tighter grip on its already monopolistic market. Further, the dollar values Microsoft has assigned to calculate the software's ''worth'' are grossly inflated because of the price controls their monopoly already imparts. Microsoft's proposal is simply a farce.

Sincerely,
Fredrick H. ''Fritz'' Knack, Jr.
Charlotte, NC 28213

MTC–00018834

From: Jason Byrns
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

As it stands now, I am strongly opposed to the proposed settlement between Microsoft and the Department of Justice. Far from punishing Microsoft for abusing their monopoly, this settlement would in fact reward Microsoft in many ways. I fear we have already lost a great deal of potential progress to Microsoft's abusive business tactics and underhanded methods. I strongly encourage a much stricter remedy. Especially recognizing Microsoft's inability in the past to conform to legal decrees and sanctions, we must do much more to ensure that ''the playing field'' is leveled.

Thank you.
Jason Byrns
<Jason@ispi.net> ispi of Lincoln, Inc. http://www.ispi.net
402.441.3295

MTC–00018835

From: Rich Alme
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

Please dispose of this case. I don't believe, and have never bought the argument, that consumers were being harmed by this. To the contrary, tens of thousands if not millions of consumers were hurt indirectly by the lawsuit brought by the federal government and it is an outrage.

Sincerely,
Richard Alme
Minneapolis, MN
rich@networkinstruments.com

MTC–00018836

From: SEPARC@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: microsoft settlement

Microsoft has monopolized the computer life of American citizens. Why Gateway, Dell, IBM, Compaq and most computer companies are lured into Microsoft's net, YES, the internet, boggles the mind. Virtually, no computers are available, without Microsoft's system. The public is held hostage by this company. If a consumer wants to read a ''JAVA'' page, they're forced to download a Java enabler. Microsoft is forcing anyone who wants to visit a Java page, to take the time to download a program, which could have been included if Microsoft didn't want to monopolize the browser world. Microsoft made it as difficult as possible to use Netscape too.

Awaiting a decision in Washington as to their punishment, Microsoft has the audacity to make AOL as inconvienent as possible with Microsoft XP, in a sickening attempt to force AOL subscribers to switch to MicrosoftNet. No matter the size of a monitor's screen, XP will only allow an AOL screen to a maximum 6x4'' screen. Microsoft has dealt low blows to Sunmicrosystems, Linux, Netscape, and now is assaulting AOL.

WHY ARE ALL NEW COMPUTERS LOADED WITH XP?

How does Microsoft manage to force their product on all computer companies?

Why does the consumer have no choice but to accept Microsoft products?

Why isn't Microsoft punished as severely as the punishment they've ''enforced'' on all competition?

Sharon Parchinski
separc@aol.com

MTC–00018837

From: Bill
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

The proposed settlement is a travesty of justice.

Bill Hertzog
bill@di.com

MTC–00018838

From: jonrc
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I think that the settlement with Microsoft is a bad idea.

Jonathan Cameron

MTC–00018839

From: Herrick Goldman
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

This settlement is a bad idea! Microsoft deserves stronger punishment!

Herrick Goldman
Lighting Designer, NYC
800–921–3797
www.HGLightingDesign.com

MTC–00018840

From: Gerd Flaig
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

Hello,

I sincerely believe that the proposed Microsoft settlement will not restore competition in the software market. There are numerous reasons why this is the case, some of which are listed at http://www.kegel.com/remedy/letter.html.

Please reconsider the proposal.

Gerd Flaig.

MTC–00018841 ′

From: SuperBoomer
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

Please register my OPPOSITION to the proposed Microsoft Settlement. It bears all the pentalty of a slap on the wrist, and all the teeth of the 1995 consent decree, which has fallen well short of its intended consequence. The proposed settlement is, in my opinion, inadequate protection for consumers and competing businesses against Microsoft's abuse of its monopoly position over the PC operating system market. It is inadequate protection for consumers and competing businesses as Microsoft continues to leverage its existing monopoly into other markets; office software, web browsers, the Internet itself and its protocols, consumer and gaming electronics, to name but several where I believe Microsoft's dominance has allowed it to exercise undue and unfair advantage.

Microsoft has repeatedly shown that its left hand will continue to do what it pleases, while its right shakes hands in agreement and compliance.

Throughout the trial, Microsoft proved that it is willing to mislead and obfuscate to maintain its position, as if it were playing a game with no rules and high stakes. I do not believe that any settlement which is fundamentally based on the concept that Microsoft is willing to play nice can or will be successful.

I encourage the United States Department of Justice to dismiss the proposed settlement, and encourage the Plaintiffs to seek a serious and enforceable remedy. Thank you.

Sincerely Yours,
Douglas Rau
drow@visi.com

MTC–00018842

From: Daniel Bremmer
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To whom it may concern,

As a tech-savvy voter with an elementary understanding of logic I am opposed to the settlement offer proposed by the USDOJ. Allowing Microsoft multiple loopholes for which they can keep middleware applications in their operating systems is not strict enough for a convicted monopolist who has been found to be involved in many unfair and illegal business practices. Microsoft uses their operating system to unfairly gain market access in unrelated or partially related products and services. To exploit one's market position to increase sales is smart business, to exploit one's market position to deny other companies access is illegal and morally repugnant.

This settlement offer is not consistent with the findings of the court or the facts at hand. It is a transparently political scheme and should be investigated as such.

I hope you loose a lot of sleep over this matter,

-Daniel
daniel@peachfuzz.net
www.peachfuzz.net

MTC–00018843

From: ChrisG@trackanywhere.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

Good Afternoon,

As a person working in the technology field, it is practically impossible to go a day without hearing something about the battle currently raging in DC. Before today I resigned myself to be a casual observer. That was, until, I felt the time was approaching when you would have to weigh in with a decision. I would like to commend you on a valiant effort.. Microsoft, I'm sure, was a suprise. They didn't appear to be as cunning or underhanded as the Bells, but certainly held their own. Mostly because our government was not ready to deal with monopoly in such a new industry. An industry which is still forming. Next, let me say that public opinion is not good right now. Had the 9 states not protested, there would certainly have been a backlash. Which brings me to my point. I cannot even begin to imagine the amount of information you have to sift through on a daily basis, so I thought I would summarize what the tech community sees as the issues, and what it ignores:

First, The Browser War is Dead!...and has been for some time. We have all moved on. I realize that it was at the core of the anti-trust suit, but it does not need to be part of the settlement. I, like many others have been running alternative browsers on Windows for years. Infact, this letter is being written in Opera, which easily matches if not surpasses IE in all respects.

Second, Who has really been hurt? The public?....sure, but more than that, the competition. Why not repay them. Strip some cash from Microsoft and distribute it to the three major Linux Distributions, to Netscape, to Opera, to Apple, to anyone who can prove they have felt a negative impact in business. Provide money for advertising new, non-Microsoft technology. Whatever you do....DO NOT allow them to donate Windows PCs to schools. I'm sure you also see this as a win/win for Microsoft as well as we do. Cash, however, would be great. Keep in mind that most Linux users are running the OS on machines 5 years or older. The OS is free, and the machines to run it can be collected for pennies at local charities. A much better deal for all concerned.

Next, the OEM agreements need some retoolong. Microsoft has such a strangle hold on consumers, because PC manufacturers are forced to build either Windows only machines, or Windows free machines. A move to curtail their OEM agreement would be a big step in the right direction. Finally, the Wine and Lindows projects. Both are moving to create an alternative OS for running Windows applications. Support of this effort would truly give users a choice. There would effectively be an alternative to Windows, without sacrificing windows applications. All we want is a level playing field. As much as Microsoft threatens the stiffling of innovation, you must stand firm. Ask yourselves what measures can we put in place that would put Microsoft back under the control of the market rather than vise versa. I hope this helps.

Thanks for your time,
Chris Gregan
Portland, OR

MTC–00018844

From: Justin
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

This ''settlement'' will not prevent Microsoft from exercising it's monopoly power, nor does it promote a competitive environment. This settlement also allows Microsoft to remain forcing OEMS to ship it's proprietary, non-removable (therefore forced on the consumer), middleware applications. This settlement does not do enough to limit Microsoft's power.

MTC–00018845

From: Leo Muraro
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

I believe that the DOJ proposed settlement with Microsoft is shameful.

I'm a computer consultant and I'm constantly struggling to provide clients the best solutions for their data processing needs. Beecause some of them have used Microsoft applications & operating systems, getting my customers data out of Microsoft's encrypted and proprietary formats is often so difficult (and expensive) that they are trapped with Microsoft. Microsoft could not get away with this in a healthy software market. The Software market is not healthy because Microsoft has engaged in predatory and illegal business practices for so long, that is now too dangerous to try to compete with Microsoft. It's not about the quality of your software, but how big your legal department is.

The proposed DOJ settlement is flawed for the following reasons: It would not prevent Microsoft from engaging in the same illegal behavior that it was found guilty of.

I think the proposals of the nine States that are disagreeing with the DOJ settlement have a more suitable remedy:

Microsoft must sell operating systems without any applications.

Microsoft must be prevented from prohibiting (via punative pricing contracts) computer manufacturers and computer users from offering or using alternative and co-existing operating systems and appilcations available to their customers.

Microsoft must be forced to license the Office suite of applications to competing operating systems in order to compensate for past illegal conduct.

Microsoft must be forced to publish the encoding format of its applications. Microsoft encrypts data in documents so that competing applications cannot read them.

Microsoft must be fined for overcharging consumers and business's. The cost of all software has dropped except MS operating systems.

Microsoft must not be allowed any role in determining the criteria of compliance with any settlement, this is shamefull and must not be allowed. A panel of computer scientists should settle technical questions and issues.

I also think that Assistant Attorney General Charles A. James should resign in shame from the DOJ and just get a job with Microsoft, it would be much more honest. It's quite clear that he is not interested in looking out for the public interest.

Leo Muraro
1631 S St. NW #802
Washington, DC 20009

MTC–00018846

From: Paul Frankenstein
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: The Microsoft Settlement

I would like to comment briefly on the Proposed Final Judgment in the US. v. Microsoft case.

There are a number of significant flaws in the PFJ as it currently stands, but I wish to focus on a few key issues:

1) The conduct of Microsoft during the trial: Microsoft and its attorneys repeatedly falsified evidence that was presented in court. The most egregious example was a faked videotape that Microsoft claimed showed how Windows 98 was impaired by the removal of Internet Explorer. In fact, Windows 98 is not impaired by such removal; yet rather than admit that to the court, Microsoft chose to not only lie, but to present evidence that they knew had been faked. Subsequently, they produced another videotape that purported to show that Windows 98 was faster than Windows 3.1 at accessing the internet; however, the machine running Windows 98 had been equipped with a faster modem. Microsoft employees and executives were repeatedly evasive and delibrately misleading while giving

testimony, often contradicting their own email evidence. This culminated in the videotaped deposition given by Bill Gates, where he was evasive to the point of asking for definitions of the words ''concern,'' ''complete,'' and ''we.''

2) The PFJ completely fails to prohibit the kind of anticompetitive behavior (specifically the elimination of Netscape as a competitor to Microsoft, and more broadly the elimination of the browser as an operating system-independent platform) that formed the original basis for U.S. v. Microsoft.

3) The whole investigation came about when it was discovered that Microsoft was not complying with the terms of the 1994 consent degree.

4) The PFJ has no effective enforcement mechanism whatsoever.

5) Given the history of the case and the absence of an effective enforcement mechanism, there is ample evidence to suggest that Microsoft will, once the PFJ is signed, ignore the terms of the PJF and continue with their unlawful anticompetitive behaviors and practices.

Unfortunately, Microsoft continues in attempting to ignore the will of the courts; their recent attempt to settle a number of class-action lawsuits invovled donating $1 billion of software and hardware to schools across the nation. Unfortunately, such a settlement had nothing to do with the merits of the case and simply would have extended Microsoft's reach into a market where they have not been traditionally successful. Judge Motz correctly ruled that the proposed settlement in that case was actually beneficial to Microsoft and not beneficial to the plaintiffs.

I believe that the PFJ, as currently written, fails to provide an appropriate remedy for Microsoft's actions, as laid out in Judge Jackson's Findings of Fact, and, in fact, has the potential to actually be beneficial to Microsoft. Moreover, it utterly fails to address the question of the public good—unless one believes that monopolies, anti-competitive behavior, and predatory pricing practices are in the public good.

Sincerely,
paul frankenstein

MTC–00018847

From: Brian Hamilton Kelly
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

I am given to understand that, under the Tunney Act, the DoJ will take note of commentary upon this settlement from third parties. Although not a citizen of the US, I would like to record that this apparent whitewash totally negates the excellent work that has been put into exposing the monopolistic practices of Microsoft, and am astounded that it has been permitted. Unless the decision is reversed, and a REAL penalty imposed upon Microsoft, their monopolistic position will become even more firmly established. This is THE LAST CHANCE to stop this.

I am an ardent user of IBM's OS/2 operating system; a piece of software that was consistently undermined and ruined through Microsoft's unethical practices (not the least of which was their overcharging software developers for compilers and other software tools unless they undertook to develop purely for Windows, even though virtually the same source code could have been compiled to run properly under OS/2). OS/2 was (and still is) infinitely superior to Windows of any flavour; yet IBM have virtually allowed it to die, because they have recognized they even they cannot afford to compete. I am pleased that Serenity Systems International have negotiated a licensing scheme by which they are selling updated (and very usable) versions of OS/2 under their eComStation branding, but this does depend upon IBM continuing to develop and improve OS/2 —something which they might well decide to forget altogether if Microsoft are allowed to get away with their illegal activities.

Brian Hamilton Kelly
bhk@dsl.co.uk

MTC–00018848

From: WALTER HUNNEL
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

This will be a short letter, as I'm sure you have many to go through. Let me say up front that as a computer user, Database Administrator, and IT professional, I feel very strongly that the proposed Microsoft Settlement will do nothing to punish past monopolistic practices, or to prevent future violations of anti-trust law.

Most importantly, what the settlement fails to address is that Microsoft is already entrenched in a dominant, monopolistic position, achieved in large part through unfair business practices.

Creating a Technical Committee may (or may not) help with future problems, but does nothing to fix what has already transpired.

Lastly, I would point out that much of Microsoft's monopoly is maintained through mechanisms not mentioned in the settlement. For example, Microsoft Word is the dominant word processing software mainly because it's file format is proprietary and controlled by Microsoft—and changed frequently, so that no other program can reliably use it. If a standard file format were enforced, competing products would have a chance to co-exist and interoperate with Word; something that just cannot happen today.

I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Walt Hunnel
Systems Administrator
Lawrence Memorial Hospital
325 Maine
Lawrence, KS 66044
785 840–2957
Pager #785–691–3863

MTC–00018849

From: Mark ''Adam'' Baum
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

As it is written, I am unhappy with many aspects of the Proposed Final Judgement against Microsoft.

Hypothetical situation #1:

I'm a mechanic who has routinely worked on Ford cars, among many others. With my many years of experience, I've come up with an idea for a product that car drivers may want to purchase and install in their car—maybe a sensor that monitors gas flow and emissions and automatically tunes the engine while it is being driven. I've tested my prototype, and (knowing that it meets relevant EPA requirements) I'm ready to mass-produce this product and introduce it to potential customers.

* The specs for Ford's engines are openly available. * I am allowed to use my Sears Craftsman tools to create this product. * Although this product was originally designed and built for a Ford, I am allowed to sell this product to Chevy owners if they should choose to buy it and install it on their Chevy. My product may become obsolete if Ford changed their engine specs on future models. Ford may even incorporate a similar device into their future models. But I would not expect Ford lawyers to sue me over my product's initial release.

Hypothetical situation #2: I'm an Independant Software Vendor who has routinely worked on Microsoft Windows computers, among many others. With my many years of experience, I've come up with an idea for a product that computer users may want to purchase and install in their computer—maybe a piece of software that monitors the way I ''drag and drop'' items between my various applications and automatically anticipates when I may want certain items. I've tested my prototype, and (knowing that it includes an add-on ''redistributable component'') I'm ready to mass-produce my product and introduce it to potential customers.

* The proposed judgement allows Microsoft to continue to hide much of the API (Application Programming Interface) that would make it possible for this product to run under the Windows Operating System. In fact, the judgement's narrow definition of ''API'' does not even cover many aspects of the real API that third-party applications must address.

* The proposed judgement allows Microsoft to completely ban this product if it has been developed, even in part, using non-Microsoft tools from GNU, PERL, SCSL, any flavor of Linux, or any other ''Publicly Available Software''.

* The proposed judgement allows Microsoft to specifically ban the use of this product on any non-Microsoft Windows-compatible operating system. Isn't this proposed judgement supposed to *reduce* Microsoft's illegal anti-competitive practices?

Mark ''Adam'' Baum
Software Engineer
Lockheed Martin ATM
Eagan, MN

MTC–00018850

From: Wilcoxon, Steve
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

I feel that the proposed settlement in the Microsoft Anti Trust suit is letting them off too easy. MS has been found guilty of using their monopoly powers illegally by

integrating the IE web browser. It still continues today. They have extended it by making the MS Update site the only place to go to get software updates and then that site REQUIRES the use of IE in order to update Windows 9x and newer. If they have other methods available, they have been working hard to keep normal users from finding it.

Steven Wilcoxon

MTC–00018851

From: Dave Heinen
To: 'microsoft.atr@usdoj.gov'
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

The proposed settlement IS BAD BAD BAD. My small company has had dealings with Microsoft. They are a predatory monopoly. USDOJ caved in on this matter and has FAILED to fulfill it's antitrust mission.

MTC–00018852

From: Kurt Overberg
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

I'm against this settlement on the grounds that many of the terms of the settlement are too narrow. Making microsoft publish their APIs is a good idea. However, the definition of API is so narrow that Microsoft wouldn't have to publish the really important ones, such as the DirectX API, which microsoft uses across the board. PLEASE DON'T ALLOW THIS SETTLEMENT!

Thanks!
/kurt

MTC–00018853

From: Aaron Crabtree
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00018854

From: davesawyer@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 5:58pm
Subject: Microsoft Settlement

It is my understanding that Section III.A.2. of the proposed settlement allows Microsoft to ''punish'' OEM's who ship a computer with anything other than the Windows operating system. The effect of this sort of behavior is evident in the fearful behavior of IBM when it was trying to establish OS/2 as an alternative to Windows at the same time that it wanted to offer Windows to those who chose it. The upshot of this, in my case, is that on two of the last three computers I purchased, I was forced to purchase Microsoft Windows, an operating system I never put into use on those those copmuters (except, of course, the first time I turned the computers on). In short, the apparently weak settlement proposal from my Department of Justice does nothing to address the manner in which Microsoft's monopolistic behavior has damaged me.

Thank you very much.
David Sawyer
2360 Decatur Ave. N.
Golden Valley, MN 55427
(763) 546–9274

MTC–00018855

From: De Mickey
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs:

I find the proposed Final Judgement inadequate. It does not redress the monopolistic actions committed by Microsoft, nor does it inhibit their ability to commit similar actions in the future. It makes no attempt to address ''ill-gotten gains'' garnered by microsoft through its anticompetitive practices, even though the company's illegal tactics have placed it in a very advantageous position. In order to make anticompetitive behavior unprofitable, there should be substantive punishment. But more importantly, there seems to be little in the proposal to prevent future abuses.

Sincerely,
Daniel Mickey
Daniel D. Mickey
Software Engineer
6769 Rimmer Court
Dublin, OH 43017

MTC–00018856

From: Robert Bowles
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: The Microsoft Settlement is BAD

I am very upset at the limp slap that the US government is giving Microsoft. I have worked in the tech sector for 10 years and have watched microsoft steamroll innovation at every turn. Try to find an email client for windows that is not made by microsoft. How about a word processor? They don't exist. Microsoft has so devastated the competition by giving away such services or buying out competitors that it holds all the cards. I can understand why the federal government is afraid of microsoft. The government runs windows on their computers, too.

Please look into more punitive action against this corporate bully.

Robert Bowles

MTC–00018857

From: DARREN JUILFS
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

Dear Sirs:

I have been following the debate about Microsoft and its behavior from the beginning. I believe that Microsoft should be split into two groups: an OS group and an Application Group. It is the only way to stop Microsoft from integrating its applications into its Operating Systems which gives it an unfair advantage. The proposed settlement of distributing software and computers to under-privileged schools will have the opposite effect from punishment and will actually help Microsoft break into the education market where other computer manufacturers, (namely Apple), still have a healthy share.

Darren Juilfs
KD Manufacturing
1301 115th Ave NW
Coon Rapids, MN 55448
tel: 763–574–8392
fax: 763–757–7174

MTC–00018858

From: Pachik, Kurt D.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

I think the settlement is way too weak to have any real effect on M$ or towards the restoration of competition in the many markets M$ dominates. Please do not cave-in to the evil software giant.

Kurt Pachik

MTC–00018859

From: Joshua O'Connor-Rose
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I support the notes provided at http://www.kegel.com/remedy/letter.html

Joshua O'Connor-Rose

MTC–00018860

From: George Seff
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Clearly—these issues are problems: The Proposed Final Judgement (PFJ) prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems. By allowing these practices, the Poposed Final Judgement is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Thanks for your time.
George A. Seff
President

MTC–00018861

From: Brian Reuter
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. While it addresses Microsoft manipulation of OEMs to stifle competition, and it ostensibly allows users to remove offending software, it still leaves microsoft in a position where it continues to be anti-competitive. To ensure it has no competition, Microsoft can and will begin to license it's non-standard proprietary APIs only to companies which Microsoft approves of, while scorning any company that may compete with Microsoft applications. Such a situation is equally harmful to independent software vendors, or companies which may vie to compete in the same market.

There is no other adequate settlement than to divide microsoft into an operating systems company, and an applications company each with separate ownership and a separate board of directors. Any collusion between applications and operating systems will by it's nature produce a situation where an outside vendor cannot possibly compete with Microsoft. The Microsoft Operating Systems company, further, should be required to publish for free (or a nominal charge for material) all API and system functions with complete documentation (including errata, secret functions etc.) for any party interested, without any legal agreement required. Further, the Microsoft Operating Systems company cannot enter into any agreement with an outside company in which information not otherwise available publically is disclosed. My opinions are my own, and independent of my company.

Brian Reuter 2F—215 Murray Hill, NJ (908) 582–3837

Member of Technical Staff Bell-Labs, Lucent Technologies

MTC–00018862

From: RobCoen@verdugo hillshospital.org@inetgw
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

The proposed final judgement is bad. It will not restrain Microsoft from it chosen path of anti-competetive business practices. I am convinced significant improvement of Windows will diminish and the PC computing experience will become increasingly restrictive, intrusive, and dissatisfying for the end user. Computer professionals will have to increasingly be upgrading, re-installing and repairing damage to PC functionality because of poorly writen code.

If cars crashed as often as Windows PCs do in normal configurations, It would be suicidal to drive to work. If banking computer systems were as susseptable to hackers as your home PC's financial records, we would have to put cash inside the matress at home. The point is that a decent company can make a safe and relyable computer system, while Microsoft doesn't. Dan Kegels comments on the proposed Final Settlement undoubtedly raise mostly valid issues. The PFS is UNACCEPTABLE! I believe Microsoft will not agree to ANY meaningfull settlement, so plan on an using an dictatorial fonding of judgement, and use a unbending judge determined to give competiton to Microsoft to administrate this edict and keeping a talented and committed persons of the Judges choosing to be the ''teeth'' and bite. I still think breaking the company up in to Operating systems and Applications divisions and perhaps a new products (with exclusion of anything derived from the Windows user interface). Feel free to spend my tax dollars to accomplish this, but do it right and plan on a continuous fight until Bill Gates retires.

Rob Coen, computer professional since 1979,

P.S. My views haven't changed any more than Microsoft's in the last 10 years.

MTC–00018863

From: dmarker@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

As a computer professional, I would like to voice a piece of my opinion regarding the proposed settlement to the Microsoft trial. I am wholeheartedly disappointed that such brazen attitudes and disregard for the law and the public should be permitted to go unpunished. I do not believe that the restrictions and remedies planned out in the settlement will be any assistance to preventing Microsoft from further breaking the law and abusing their position of power. With the growing pressure from Microsoft to use their software in ever increasing roles, the danger of insecurities in their software are mounting daily. Viral plagues have swept over the world's mail and web servers (regardless of the software installed) over the past several months that have cost countless hours and dollars. They have used anti-competitive practices as a monopoly to exclude other vendors from the market. They have been often accused (and with rather well documented evidence against them) of maliciously going out to financially destroy competitors and steal or reverse-engineer their intellectual property. They have been caught blatantly lying in court on this very case with their ''simulation'' of uninstalling Internet Explorer. I do not feel that any of the remedies presented will effectively change their long-term strategies in any way. For a single example, the two ''top ten'' lists for OEM sale of Windows effectively legitimizes the entire pricing scheme that MS used to squeeze our competing licenses from desktop sales. Furthermore, although I personally detest long legal forms, I dread that Mr. Gates, who quibbled over the definition of ''hit team'' and ''jihad'' as used in his internal memorandums will find the legal restraints rather slippery. The legal system does not appear to cope well with rapidly evolving markets and definitions. However, much of the case involves questions on the legal definitions of ''Operating System'' and ''Browser'' yet the judgement relies very heavily on the definitions of ''middleware'', ''retaliate'', and ''reasonably necessary''. With this going on, the remedy still gives the definition of ''operating system'' back to Microsoft with the line: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' I strongly recommend that the resolution to this case undergo major revisions. I personally think the section regarding the TC has very positive points, even though it has received much criticism. I would push a bit further in trying to extend their scope of investigation, probably by tightening the non-disclosure contract, and use this as a basis for giving the final few steps of access to the software. If they can review all of the (normally private) contracts and question anyone in the company, why should their access to the software source code be limited by an agreement made (and from what I understand, alterable at will) by Microsoft? Finally, there is one major section lacking from this proposed remedy. There does not appear to be any restitution. This seems to be one large nothing from the Federal Courts. Merely a ''Don't do that again'' approach. As much as I would like to see several zeros of corporate accounts be redirected to organizations like the Electronic Frontier Foundation, I realize that this at best a questionable act. I think that a series of financial penalties based on a percentage of the gross corporate earnings should first be applied to the company, with even stronger penalties prepared in advance, ready for the possibility that Microsoft may decide to continue to test the mettle of the court system.

Sincerely,
Dan Marker

MTC–00018864

From: Henry Timo
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

In my opinion the proposed settlement is a very bad idea: it fails to prohibit anticompetitive practices and does not require Microsoft to list which software patents protect the Windows APIs. This settlement allows and encourages anticompetitive practices to continue, and is therefore —not— in the public interest.

Sincerely,
Henry Timo; Software Engineer
Los Angeles, CA

MTC–00018865

From: Mitchell, Michael
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

There are alternatives. Don't blame Microsoft because you didn't buy one. Linux is in the stores except it currently isn't as user friendly. Mac's are around but they advertise in the back corner.

Michael Mitchell
Anti-Virus Engineer
Enterprise Messaging Team/Worldwide Anti-Virus Team
Tek Systems * ITSC

MTC–00018866

From: hj@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

Please count my name as another US citizen, residing in the state of Minnesota, as

being opposed to the proposed Microsoft antitrust settlement. I have been using computers professionally since 1980, and I do not feel that Microsoft has been acting in my, or my company's (Tringa Press) best interests, for at least several years. ''Donating'' proprietary Microsoft products to secondary schools seems particularly ill-advised, especially at a time when we're moving towards a more open, global economy. We now have a chance to train our future information workers in the use of tools whose primary aim is productivity and empowerment, not pleasing investors.

HJ Schmidt
Managing Editor
Tringa Press

MTC–00018867

From: J.D. Forinash
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement Concerns.

To Whom it May Concern:

I am writing to voice my opinion on the proposed Microsoft settlement. I do not believe that the proposed settlement settles anything. Microsoft will go effectively unpunished, and will not lose any ability to engage in the activities that brought them to this point. While the relevance of the latter may not be important, the former, I believe, is. No company should be allowed to use anticompetitive practices to keep other businesses from having a chance.

As an example, take ''PC compatible'' hardware. If someone buys a ''PC compatible'' system, he has the option of running Microsoft's Windows, Sun's Solaris x86, Linux, or BSD on the machine. For a while, we saw major vendors ship Linux machines, but those aren't advertised anymore, and are only still available from a select few major vendors. As of this writing, featured business PCs on the following vendor's websites have _no way_ to order a machine without some version of Microsoft's Windows operating system: Dell Gateway Compaq IBM Sony Is it possible that all of these vendors have policies that make it unfeasible for them to install another operating system on their PCs, or even —not load an operating system at all?— Certainly not. Microsoft has used their market power to arrange that any PC purchased from any reputable manufacturer is required to also buy Windows, whether they need it or not. Any ''settlement'' between Microsoft and the people of the United States of America should require that Microsoft is not able to use such strongarm tactics and is punished for using these tactics in the past.

John D. Forinash
Atlanta, Georgia

MTC–00018868

From: Chase Caster
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

The proposed Microsoft Settelment is unfair to all those who wish to write (and use) similar software to that which Microsoft uses. The Windows operating system is written in such a way that it is difficult to use anything other than microsoft software for much of what computers are most used for. And because of that, not only are outide applications hard to find and use, but other operating systems are nearly impossible to come by because Windows is designed to be incompatable with them. If we let Microsoft keep their monopoly, we will be doing a great injustice to the computing world.

MTC–00018869

From: Matthew Schmidt
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I think there are serious flaws with the Microsoft settlement as currently proposed by the government and Microsoft. While I feel that more drastic measures are fully appropriate (like opening Windows source code and Office file formats), there remain problems even given the more moderate type of conduct remedies included in this order. Along those lines, the proposal by the dissenting states is far more effective.

Section III.H, for instance, allows users to remove Microsoft Middleware from the computer. It would be more reasonable to have Microsoft sell a version of Windows without the middleware, giving consumers a choice in the matter and allowing competition in the various areas. Once Microsoft gets a piece of software into Windows, there is little reason for people to go out and buy a separate equivalent piece—even if the independent software would be better value.

Also, section IV calls for a technical committee to oversee Microsoft's conduct. The TC has very little power to force compliance on their own, however. They are also prohibited from testifying in court—excluding from deliberation the most qualified witnesses. The TC must have the power to fine, and preferably also the right to testify in court. Finally, there is an expiration date of five years on the agreement. None of the conduct required of Microsoft is onerous or unusual—it describes the bare minimum (if that) of fair and responsible behavior. The expiration date—if included at all—should be significantly farther out.

Pluralitas non est ponenda sine neccesitate.

William of Occam

MTC–00018870

From: Jim Stocking
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I think it is very important to punish Microsoft for blatantly illegal constraint of trade. While I realize the importance of the company, I also was one of those Bell System employees who saw our structure dismantled for a whole lot less reason. The tentative settlement is laughably easy on Microsoft, and I wonder why a split of the company into three parts: operating systems, software applications, and internet is not in order.

Jim Stocking
1066 Randolph Drive
Yardley PA 19067

MTC–00018871

From: Frank Tobin
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement. As Bachelor of Computer Science and an independent Open Source/Free Software software developer for the past 5 years, working on community, commercial, and internal products for the Unix/Linux platform, I am acutely aware of the problems caused by the illegal Microsoft monopoly. I believe that the proposed settlement does not fully address the goals it set out to accomplish, and allows for many loopholes to be exploited in the future.

First, I believe that many provisions of the proposed settlement do not carry the foresight needed to deal with easily foreseeable problems that will arise. To live in the information world, one needs to not only have a good grasp of the ''now', but also the issues of 'tomorrow'. The proposed settlement does a fair job of addressing many issues that one can point to today, but many of the terms and definitions are too strict, not capable of handling the rapid morphs in technology that are inevitable. The terms, definitions, and specific products listed in sections such as Section III: D need to be loosened, or else many loopholes will be exploited.

My second main concern is Microsoft's exclusionary licensing, which goes beyond those issues addressed in Section III.F and III.G. There is a large and growing number of Open Source and Free Software pieces of software being community-developed and freely available with source. However, licenses such as the Microsoft Windows Media Encoder 7.1 SDK EULA strictly prohibit bundling with Open Source and Free Software. This is an excellent example of Microsoft leveraging its monopoly not only against commercial competitors, but also *community* software projects. This is a clear example of the anti-consumer and anti-community behavior that Microsoft has repeatedly shown over the past several years, and not specifying provisions to prohibit is is unacceptable. I am also a co-cosigner of the open letter at http://www.kegel.com/remedy/letter.html , since I believe the issues that it brings up are also my concerns. In summary, it also concludes that the Proposed Final Judgment is not in the public interest, for the most important reasons I have already stated, and more. Please do the right thing by amending the settlement so that it keeps tighter reins on Microsoft, and thus allowing the market to develop in a freer fashion, unchained from Microsoft. I am in favor of the changes recommended at: http://www.kegel.com/remedy/remedy2.html#fix

To let the current settlement stand would be gross negligence for the health of the community and market.

MTC–00018872

From:
jbmitch7@abbott.office.aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement—Not Strong Enough

To Whom it May Concern,

I am writing to register my disagreement with the proposed settlement in the

Microsoft case. I feel that this company is incapable of restraining itself, and will take advantage of any loopholes in the settlement to the greatest extent possible. If there was any doubt about its behavior before, its actions during and since the trial make this abundantly clear. Who can forget, for example, the doctored video tape shown to the judge by Microsoft. And since the trial there are numerous examples of further anti-competative behavior. Just in the last couple of weeks I've seen the following items reported:

1. Microsoft is suing a company making a Linux-based operating system that will run Windows applications, (Lindows—see http://www.lindows.com). Microsoft says that consumers will confuse the name Lindows with Windows. Huh? It seems more likely they are trying to hurt a potential competitor by piling on legal bills and problems.

2. Microsoft has filed a motion to bar the public and the media from seeing depositions related to the case, (these depositions having been opened by court order). Article on the subject at http://dailynews.yahoo.com/h/nf/20020110/tc/15719—1.html What are they trying to hide?

3. Microsoft recently tried to rig a poll at ZDNet, (story at http://news.zdnet.co.uk/story/0,,t269–s2102244,00.html), to make it appear as though their .NET initiative was gaining massive ground. It's a lie designed to try to convince IT people to start using their product.

If these don't seem to be a big deal, consider that I found these three items for the last two weeks just from a quick search on a website, (http://www.slashdot.org). The number and type of items from the last two weeks is the norm, not the exception. If you want to see more examples of their bullying and dishonest tactics, go to slashdot and search. You'll find many, many more. Microsoft has done everything it can to prevent competition. It has broken the law and has demonstrated that it will continue to do so, as well as lie and manipulate wherever possible. The government is the only entity capable of restraining them. Please, for the sake of businesses trying to innovate and make a living, for the sake of freedom of choice for the American consumer, assume that Microsoft will try to subvert any settlement and will continue its monopolistic practices. Fashion a new settlement that doesn't give them any wiggle room—one that assumes the worst in terms of their future behavior. They have proven, and continue to prove, that this is the only reasonable course of action.

Sincerely,
Jeffrey Mitchell
15260 Surrey House Way
Centreville, VA 20120

MTC–00018873

From: james.l.herrmann@kcsr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

The Microsoft settlement, as written, is a bad idea. It will encourage Microsoft to continue it's monopolistic ways. I also feel that it is unenforcable, as there is no real punishment for non-compliance.

Please reject the settlement with Microsoft.
Thank you,
Jim Herrmann

MTC–00018874

From: Maverick
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Hello,

Some of my professional associates pointed me to this email address as a place where I could voice my concerns over the severely lacking Microsoft Settlement. In essence, the proposed settlement as it stands will do nothing to remedy the damages caused to the computing industry by Microsoft, and does nothing to punish them for doing it. Dan Kegel has written an excellent analysis of the weaknesses in the PFJ here: http://www.kegel.com/remedy/letter.html I have also asked to have my name added to those listed below. I don't have the time to cover every problem in detail (and I suspect you may no have time to read it), so I will only cover what seems to be the least obvious and most overlooked way in which Microsoft extends and maintains their strangle hold on the industry: Proprietary file formats. Few would argue that Microsoft Word document files have become the de facto standard document exchange format. Most of my clients send me documents in Word format, and most expect to receive them in Word format. That has been the norm for every company I've been employed by, and every client I've worked for. What happens when someone sends another a document in Word Format (or Excel, PowerPoint, etc, etc)? The sender is not only making the assumption that the receiver has purchased a Microsoft Operating System and purchased a copy of Microsoft Word, they are assuming that they have CURRENT versions of both. It is a well documented fact that different version of the same Microsoft products produce files that are not readable by differing versions of the same product. And the same version of a product doesn't run on all versions of Microsoft's operating systems. Thus forcing all users in to an constant cycle of upgrades of both their operating system and office product. The proprietary nature of the formats, along with their constant alteration prevents a third party from reverse engineering the format to produce a competing product. By the time that they can produce a product that can accurately read and write a Microsoft Office file, there is a new version of Office on the market that isn't compatible, and thus making their product's ability moot. I hope that this has shed some light on the concerns of the case, and helps lead to a remedy for the damages caused by Microsoft.

Thank you for your time,
Steven Edwards

MTC–00018875

From: Jesper Juhl
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:02pm
Subject: Microsoft Settlement

Hi there,

I'm writing this small note to tell you that I think the proposed settlement in the ''United States vs. Microsoft antitrust lawsuit'' is a bad idea. It is no way near hard enough on Microsoft. Since I am not a US citisen (I'm Danish) you probably don't care much about my comment, but I just wanted to add my name to the list of people objecting to the settlement.

Regards,
Jesper Juhl

MTC–00018876

From: Mark Drake
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Mark Drake
Military Member Stationed at Keflavik, Iceland

MTC–00018877

From: John R. Johns II
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Department of Justice representative:

I am writing to voice my disapproval of the current Microsoft Settlement. There is a simple and clear problem with the arrangement. Microsoft has been found guilty of violating antitrust laws. While the current settlement may offer some provisions to reduce antitrust behavior in the future, it lacks a penalty for Microsoft's past transgressions. Disregarding all other problems with the settlement terms, the absence of any punishment should be enough reason to reject the current deal. You are the Department of Justice... where is the justice in this settlement?

Sincerely,
John Richard Johns II

Sunnyvale, California

MTC–00018878

From: David Hirsch
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

I deplore the proposed settlement in its current state. Microsoft, through it's illegal monopoly, has poisoned the current Operating System and software market, and continues to take anti-competitive steps designed to preserve its monopoly; the proposed settlement is so weak as to be useless in correcting this behavior. Microsoft's previous conduct with respect to settlements to which it has agreed shows that a strong enforcement mechanism must be put in place, one that will cripple Microsoft's ability to behave in an anti-competitive fashion. The current settlement must not include any distribution of Microsoft products to right previous wrongs—that only helps Microsoft retain it's monopoly status. Rather than providing software or hardware to schools, the Court should calculate the RETAIL value of these products, and make Microsoft give the money directly to the schools instead. The court should take steps to ensure that any actions taken apply to future versions of Windows, including Windows CE, Windows XP, and Windows NT, Pocket PC, etc. and any descendants of these operating systems. These steps should include the release of all API's (the current definition of API in the settlement is too narrow, and would allow the remedy to be skirted by Microsoft) to software developers. The remedy should provide assurance that Microsoft will continue to develop and release versions of its main software packages for the Macintosh OS. Perhaps a requirement that the top-selling 40 percent of non-operating-system software must be released for Macintosh within 9 months of its release for a desktop Windows OS.

Dave Hirsch
Assistant Professor
Department of Geology
Western Washington University

MTC–00018879

From: Radu Filip
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

My name is Radu Filip, and I'm working for a dot-com company located in US and I would like to express my opinion about the anti-trust case against Microsoft and about the proposed settlement.

Like many other peoples, I'm concerning about monopoly held by Microsoft in desktop software and they way they behave in doing business. Concrete, as an end-user and as person involved every day with IT world, I have ''problems'' with the following issues, that comes from Microsoft monopoly.

For each problem I will address bellow, I'll explain it shortly, I'll try to give and example, I'll try to suggest a remedy and explain how it can prevent further monopoly situation.

(1) Closed file formats

No one has the right to make me ''hostage'' of their software. No matter what product I'm using, I should be able to either buy nother product or to develop my own one in-house that should be able to work with the files made with the old product. For example, if I'm using Microsoft Office and I create with it a lot of documents or spreadsheet files, I should be able to quit anytime using Microsoft Office if I want, in favour of StarOffice, for example, and continue to use the documents and spreadsheets I have been created. In order to do this, the specifications regarding the format (how data are recorded into files) of my documents and spreadsheets must be freely available so that other programs be able to interpret these documents. This openening of sepecifications should apply to all kind of files, made by various applications, not only by Microsoft one. Companies can compete by developing products with various features, not by making their users hotages. Users should be able to interchange data anytime they wish, no matter what programs we're using. A goo dexample for this one is the web, where various web servers that runs on a multiple types of computers and operating systems, are serving various web browsers (Netscape, Internet Explorer, Opera, Konqueror, etc.) that also runs on mutiple platforms. This is possible because the format of web pages of freely available, as well as te way (the protocol) the browsers and servers are using in order to deliver these pages. Any webmaster can choose any websever he wish, and any user can use any browser he wish. This is freedom.

(2) Closed protocols

No one should have the right to make me ''hostage'' of their software systems by hidding way their programs are communictating. If me, as a user I own a Linux computer and a Windows one, I should be able to interconnect them in any way I wish, no matter who programmed Linux and who produced Windows, in the same way I can use two diffrent cars I own or two TV's and so on. Protocols are ''communication languages'' used by programs or devices to comunicate, in order to provide a service. This service can be e-mail, web, accessing filesystems etc. Protocols (or standards) are in every program and in every device. For example, because of Microsoft monopoly, I'm not able to read MY OWN data stored on a Microsoft filesystem from a Linux operating system, if I have both of them installed and I run Linux. This is happens because Microsoft is interested to lock up their users by preventing them to use a diffrent operating system. And this is not normal, since their programs should do WHAT I NEED, not what Microsoft NEEDS. The same is for communication protocols. If they build a mail server like Exchange, then if I own a copy of Exchange I should be able to use ANY client program to access it, not only Microsoft programs. Thus, like for file formats, all major protocols should have specifications freely available, so other programmers be able to build their own programs to intercommunicate with the existing one. One example is Microsoft SMB protocol used to sharing files between computers in a local network. They lock up this protocol so only windows computer can share files, computers with other operating systems being unable to join in sharing files. They kept hidden the specification and change them over time so other operating systems cannot do the same. But me, as USER, I HAVE ALL RIGHT to share MY FILES between MY OWN COMPUTERS, no matter what software I'm using. It's my right to do so. Like we have or or many public standards for TV broadcasting, like we have Web to share information, like we have driving on right side on the roads, we should be able to have access to specification of every major protocol used, so we do not become slaves of one corporation or one organization.

(3) Extension of public protocols

This is a way for companies like Microsoft to transform public protocols into closed ones, by adding their own closed extension, undocumented. They motivate this by ''addig featured and value to customers''. In fact, they add this extension to justify their behaviour to be the only one to develop programs that use that features. This is also a danger because public protocols like Web, E-mail or worse, TCP/IP (protocol used all over the Internet to send data between computers), can become property of one single organization. They can impose the adoption of this proprietary extensions by using their monopoly on desktop market with Windows, and by making new versions of Windows the only products that support their extensions and let others alternatives outside. Since this extensions are subject of technical details, unrelevant for the large public, the market cannot see the danger to adopt this owned standard and this way large numbers of customers become hostages without their knowledge. For example, they can alter the HTTP, protocol used to deliver webpages from server to web browsers, by adding some ''features'' in away that only their Internet Explorer (currently about 75% of web browsers market) with be able to deal only with their IIS (web server) so every other web browser or web server will be out of game and this way, they will be able to own the web and will control the information that flows through it. Should be freedom to speak controlled by someone? One bad example could be Microsoft Passport, a software feature build only in Internet Explorer and that can be used only with websites serverd by Microsoft Web Servers (IIS). There is no technical reason for this exclusive behaviour, it's only a ''feature'' to make peoples using their software only and exclude the others. Me, as programmer, I cannot build or modify a webbroser that use Passport Services, because I don't have specifications of Passport. This force me as user to use Microsoft Internet Explorer to read MY mail on MSN, for example. And this means NO CHOICE, being a way to take control over web. There is nothing wrong in improving standards, but major standards should always have free specifications available to anyone.

(4) Imposing Microsoft software by using Windows monopoly First of all, when I'll buy a new computer I should be able to CHOOSE what operating system and applications are incloded or even to CHOOSE to NOT BUY any operating system at all. Right now, because of Microsoft way to impose deals

with computers manufacters, I HAVE NO CHOICE but to buy a Windows version with every new computer, even if I'm planning to use completly diffrent operating systems like Linux, sold buy companies like RedHat. Why, as customers, I'm forced to pay for something I don't need?

When I buy a new computer, I should be able to choose:

—if I want Windows or other operating system or any operating system at all

—if I want other Microsoft applications that comes with Windows or not, by choosing alternatives (like StarOffice instead of Microsoft Office or by using Netscape instead of Internet Explorer as web browser and so on) or I don't want any application at all (this should appy to EVERY operating system or application, not only to Microsoft) Also, not only customers, but every delear of computers should be able to be be free to choose whatever operating systems or applications want to pre-install on computers he sell. Also, customers should be able to accept or refuse this software offerings when buy a hardware (a computer).

(5) Driving users to Microsoft websites and services

This is another form of locking up customers to Microsoft products and it's derivate on the way they impose their software. In current situation with forcing users to buy Windows with every computer and using by default only Internet Explorer that drives users only to Microsoft related sites and services like MSN, the real threat is to use this monololy to became a hegemony, by making Microsoft not only control the software we're using in every computer, but also to control what we see and hear. This way, the George Orwell's 1984 novell has a real chance to hit the reality. What is the difference between a totalitar regime that controls all what we're doing by law and a private, commercial monopoly that control what we're doing via tools (software) we're using? No one, they are the same, a single exclusivistig group controling everything by a method imposed to every one. This is no democracy and no freedom.

Conclusions

(A) From user point of view

(a) Every single user must be able to choose what operating system or application to use (if he want some) when buying a new computer; this require freedom to users and sellers to choose applications to install on new computers

(b) Every single user must be able to switch applications and keep using the same documents as before or be able to convert them; this require freely available specifications for data formats (files, filesystems)

(c) Every single user must be able to use any operating system or program he want, in order to deal with other operating systems or applications that offer services (local, on a network or over the Internet); this require freely available specifications to all major protocols that are parts of the core services of the Internet

(B) From sofware companies point of view

(a) Every program must be able to use user's data made with other programs and be able to intercommunicate with other programs, so programs (and vendors) compete on feature and support level, not on lock-in ''improvements'' and ''innovations''; this require open specifications for file formats and protocols

(b) Every software vendor should e able to make deals with hardware manufacturers, without being slaves of one single central software vendor that controls the markets and our lives; this require to avoid exclusive deals made by Microsoft that exclude others players to compete

(C) From goverment point of view

(a) Maybe it is a good idea to create an Agency that regulate IT markets in the same way as for Stock Exchange or other markets; this way, the competition will have a neutral referee, not like today when one player is also referre in the game

(b) Anti-trust law should specify that companies that own a certain ammount of market share should be prohibited to use particular business methods like exclusive distribution of their products, in order to let smaller companies to compete. Each situation like this should be mentions in anti-trust law and supervised by an Agency (maybe the same as for (C.a)

(c) Major (most common wide used) data formats and protocols should be put under the development of independent non-profit organizations (like W3C for web) that manage their evolution. Anti-trust law should specify when a certain data format or protocol become wide used and in what condition the company that originally develop it should put its specifications under independent organization management. An Agency shoud take care this to be respected.

(d) The anti-trust law should impose software vendors to conform to public specifications and an Agency (the same as for C.a) should take measures according to this law to assure all programs and services are using this common open protocols. These proposals (on point C) should help to prevent situation like this, when a single company tries to control all IT world using it's monopoly on user desktop market, threatening our freedom.

Thank you for patience to reading this,
Radu Filip

Radu Filip —— radu@wmw.com System Administrator

MTC–00018880

From: Volker, Jim
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

The research I have done (or read from other which have done research) indicates to me the proposed solution is not a good one. I plan to send more detail in writing. Jim Volker Test Data Management Cottonwood Technology Group, Inc.
phone: 480.970.3332 ext. 175
fax: 480.970.3322

MTC–00018881

From: Eric Moore
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Your proposed settlement with Microsoft will make Neville Chamberlain sit up in his grave, smile, and pat you on the back. Unfortunately, MS just doesn't care what the court nor the Justice Department decides. They have shown continued disregard for agreements banning specific tactics and behaviors. Your proposed settlement isn't even a slap on the wrist. In effect, it's a victory for MS. There are some remedies that would help all injured by MS illegal maintenance of its monopoly. I leave the specifics of damages to the court, however, I do know one thing which would help the 'rest of the world' compete more effectively with MS. Require MS to disclose fully the file formats MS applications and OS create and update. MS would have to consent not only to disclosing these formats, but to provide public detailed specifications when changes occur. If competitors can make precisely the same end product (an Excel file, Word) etc, they can engineer competitive methods to create these exact files. It sounds trivial, but it would help considerably.

E. Moore

MTC–00018882

From: Colgan, Matt, ITD
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

Hello—

I would like to comment on the proposed settlement of the Microsoft Antitrust suit.

It stinks. Most prosecutors pride themselves on getting a more stringent penalty for those who are convicted as a result of their efforts. The DOJ appears to have broken with that tradition. Some articles stated that the DOJ's offer to Microsoft was less of a penalty than what Microsoft themselves were offering before they were found guilty. This decision weighs very heavily on the future of the computing industry and innovation. Microsoft continues to be a baleful force to crush innovative new companies and products. Venture capitalists hesitate to fund software startup companies due to the looming threat of Microsoft's unfair competition. The settlement as it stands will serve to strengthen the entrenched, non-innovating, but highly profitable Microsoft corporation, at the expense of consumers and prospective innovators. I would suggest that a minimal punishment for the crimes Microsoft has been found guilty of would include a statement of culpability, and plausibly contrite statements by the directors of the company. If such statements are not forthcoming, the directors of the company should be forbidden from running the daily operations of the company.

Thanks,
Matt Colgan

MTC–00018883

From: rbrown
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

I feel that the settlement terms with Microsoft are cheating the American people.

Thank you,
Robert Brown

MTC–00018884

From: Deke Clinger

To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Greetings,

I am writing regarding the proposed settlement of the antitrust action against Microsoft Corporation. I am very concerned that the settlement appears to do nothing to restore a competitive marketplace for operating system software or to punish Microsoft for their past misbehavior. There is nothing in the settlement regarding publishing Microsoft's Application Programming Interfaces (''APIs'') or document formats. These steps, combined with substantial penalties for failing to provide accurate and complete information, could result in real competition in the software industry.

Microsoft's lack of contrition and commitment to ''business as usual'' is demonstrated in their every action: the proposed addition to Internet Explorer of ''smart tags'' that change the content of displayed web pages, the onerous new licensing and ''activation'' requirements of Windows XP, the brazen attempt to settle some of the many civil lawsuits against them while at the same stroke expanding their monopoly into the education market. Considering Microsoft's past practices and the outsized profits derived thereby, some sort of punitive damages would seem to be in order.

The proposed settlement is a bad deal for the American software consumer and for the software industry in general. I'd like to see a settlement that includes a requirement for documentation of all Microsoft APIs and document formats, with suitable enforcement and penalties for lack of full disclosure.

Sincerely,
Deke Clinger
602 West Fir Street #303
San Diego, CA 92101

MTC–00018885

From: battle@pobox4.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

I think the proposed (largely by MicroSoft itself) settlement of the MicroSoft antitrust case is a joke.

Bill Gates describes it as ''fair''. I DO NOT WANT a remedy that the offender accepts as ''fair''. How many convicted criminals regard their prison sentences as ''fair''? I want a remedy that will make (particularly Bill Gates) whine to the press about ''punishment''. MicroSoft deserves to be punished. I want a remedy that will cause suffering on the part of MicroSoft, in reasonable balance to the amount of suffering that its monopoly abuses have caused to their competitors and to the rest of the computing industry in general. In particular, their rival, Netscape, was driven out of business by the anticompetitive practices of the MicroSoft monopoly. Any ''remedy'' that falls short of at least threatening MicroSoft's present monopoly position is clearly insufficient.

In my understanding, a remedy for monopoly abuse is supposed to do three things:

1) Punish the offender, primarily by depriving them of the gains obtained by their illegal actions. The proposed ''settlement'' does nothing to relieve MicroSoft of the market power they have gained by eliminating the Netscape Corporation and cornering the internet browser market. An appropriate remedy might be to require that MicroSoft_withdraw_their Internet Explorer product from the market. This product brings MicroSoft no revenue, and their sole purpose for purchasing it, releasing it, tying it into Windows, and illegally leveraging their Operating System monopoly to establish its dominance in the browser market was to destroy Netscape Navigator. It seems only fair to deprive Microsoft of the browser market monopoly obtained via Internet Explorer by depriving them of the product itself. Also, all the claims the defendant made about Explorer being ''irremovably integrated into the Windows operating system'' are perjuries. As a professional software engineer I can assure the court that, if ordered to do so, there is no technical barrier that would stop MicroSoft from removing Explorer from Windows.

2) Repair the damage done to the market by the monopoly's actions. It would be pretty much impossible, now, to restore Netscape Navigator to the position it held before MicroSoft set out to destroy it. The elimination of Internet Explorer would at least open up the browser market for the several other products in this area to be able to compete on the basis of their relative merits, without MicroSoft shaping the playing field to favor its browser.

3) Insure that the monopoly abuse does not recur. I do not believe that the proposed 3-person panel would be able to effectively monitor the abuses of the multibillion-dollar MicroSoft monopoly. In my opinion, the_only_way to stop their already escalating abuse of their monopoly in the internet browser market would be to take that illegally obtained monopoly away from them, again by forcing MicroSoft to withdraw Explorer from the browser market. I sincerely hope that the court will NOT approve the proposed settlement as it now stands. MicroSoft should be regarded as a repeat offender in the abuse of its Operating System monopoly, and penalized accordingly and quite harshly. The proposed settlement more closely resembles ''dinner and a movie'' than any sort of ''punishment'', and completely fails to address the issues which are supposed to be the goals of a monopoly abuse remedy.

In an effort to assist the court in the development of an appropriate remedy in the MicroSoft case, I would again suggest that MicroSoft be ordered to withdraw the Explorer product, and be forbidden from re-entering the internet browser market for at least the next five years. Penalties for disobeying these orders (and you may rest assured that they_will_ be disobeyed) might best take the form of billion-dollar fines, to be paid to the Free Software Foundation, which is MicroSoft's sole credible competitor and the_last_ entity on this planet that the MicroSoft Empire would want to see its money go to support. While elegantly simple in concept, its effect on MicroSoft would be to positively end its present and illegally obtained monopoly in the internet browser marketplace, and prevent the otherwise inevitable future abuses thereof. I believe that this is the most appropriate and fair penalty for their actions. It is also a remedy that would be effectively enforceable in the real world. A breakup of MicroSoft into separate Operating System and Application Software companies would be simply impossible to administer. A triumvirate panel would be most ineffective, as it would lack the authority and probably the will to impose the severe, indeed draconian, sanctions that will clearly be required to force the offender to modify its illegal and immoral, but nonetheless quite profitable, business practices.

Will Bill Gates like this? I think not, which is exactly what I want. You need to ask yourself who you are working for, Bill Gates and the MicroSoft Empire, or the general public?

Michael Battle
1817 N 51st St. Apt J
Phoenix, AZ 85005

MTC–00018886

From: Quentin Olson
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing as a software developer with 20 years of experience developing applications under Windows and Unix. I request that you firmly apply remedies that will stop Microsoft's anti-trust behavior. Their tactics force people such as myself to join their camp or else. Windows developers have endured years of faulty products and operating systems environments that in my opinion have significantly impeded the state of technology simply because it has taken 2–3 times longer than it should have to develop products in the windows environment. Look how quickly Linux has developed technical equality with any and all Microsoft operating system products. They have finally built a reasonably stable product but during their tenure have learned to control product development such that a stand-alone developer (such as myself) is locked into their upgrade cycles and over-priced tools.

My recommendation is to closely evaluate all current and future product releases for antitrust violations, put the products before a peer review and make Microsoft pay the tab for the review process.

Thanks for your time and hard work.
Quentin Olson
CEO, Global Retail Technology, LLC

MTC–00018887

From: toby
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

The proposed final judgment is seriously flawed, incomplete, and insufficient. The proposed remedies are largely unenforceable, do not adequately address the unlawful exclusionary actions, and will not likely

provide Microsoft sufficient motivation to correct its ingrained corporate culture of anti-competitive behavior. By themselves, the security loopholes around the full disclosure of ''middleware interfaces'' and server protocols are enough to render this proposed final judgment ineffective. As Microsoft is slowing learning, and as COB Bill Gates stated just this week, security MUST BE integral to their products (''middleware'' and operating systems) and services (server protocols) to be reliable. To permit non-disclosure of aspects of these interfaces and protocols when there are security considerations is to make both requirements meaningless.

I would also like to specifically object to the structure of the onsite enforcement monitors. None of these three experts should be Microsoft employees, current or past. All three should be appointed by the court, and maintain no financial interest in Microsoft. As officers of the court, they need the ability to legally binding enforcement decisions.

Toby Harness

MTC–00018888

From: Andy Catalano
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

I do not like the proposed Microsoft settlement because it contains many loopholes. I believe that Microsoft has, and will use these to invalidate the law and these loopholes will be difficult to fix after the law is passed. I can not support the law as it stands.

Andy Catalano

MTC–00018889

From: Andr(00E9)-Francois Landry
To: Microsoft ATR,George W. Bush
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The Tunney Act: A confession of shame, and a call to action

Introduction

My name is Jeremy White, and I am the CEO of CodeWeavers, the company most associated with the Wine project. Three years ago, I chose to refocus my company around the Wine project because I believed that Microsoft's stranglehold on the market was sucking all of the joy out of the computing field. For those of you who don't know, Wine is a project that makes it possible to run Windows application on Linux. If Wine were complete, then the combination of Wine+Linux would represent an effective competitor to the Microsoft Operating System Products. The Department of Justice and Microsoft have reached a tentative settlement of the United States vs. Microsoft antitrust lawsuit. It is widely believed that the proposed settlement does a very poor job and that it is critical that those of us who feel this way participate in the Tunney Act comment process. Under a law known as the Tunney Act, the court is required to consider public commentary before accepting any settlement. As you can imagine, many people have contacted me to ask for my help and input on the Microsoft case, and the Tunney Act proceeding in particular. I've met with attorneys here in Minnesota, as well as with the law firm that is handling the case for the states. I've spoken with wide range of people regarding this case. My Shame I have not yet submitted any comments to the Tunney Act comment process. I haven't even really engaged myself in the problem, at least not beyond responding politely to those that call me. Why this sucks I'm probably the U.S. citizen most involved in the Wine project, and if I haven't acted, then who will? I've heard a rumor that there are no shortage of comments from folks 'encouraged' by Microsoft. Apparently, there are also a number of Sun/Java encouraged comments. But not much else. Bottom line: if we don't speak out now, we let Microsoft buy this one. What we should do Presumably, you're reading this page because you care as much as I do. If you're a U.S. citizen, now is the time to act. If you're not a U.S. citizen, forward this to a U.S. citizen you know.

It's easy. Here are two ways to help:

The easy way to do the 'right' thing

1. Open an email window to microsoft.atr@usdoj.gov (with a subject of 'Microsoft Settlement').

2. Read through some of the many comprehensive resources on this case and the Tunney Act proceedings:

a. Dan Kegel's excellent collection of resources (mirror is here).

3. Pick your favorite problem with the proposed judgement. One is fine; hopefully a lot of people will be doing this.

4. Compose a simple, polite, email describing the problem and how you feel about it.

5. Send the email, and if you like, bcc (important do not cc) us at tunney@codeweavers.com.

6. [Optional, but nice] Print your letter out (maybe reformat it a little), and mail it to:

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

The truly easy way to at least add your voice

1. Send email to microsoft.atr@usdoj.gov (with a subject of 'Microsoft Settlement') saying that you think the proposed settlement is bad idea (type only 3 words, if you must). What counts is the number of complaints.

2. Send email to petition@kegel.com indicating that you will stand as a co signer of Dan Kegel's comments. Please give your city, state, title, and affiliation. Send it now. The comment period closes Monday morning (the 28th).

By the time you think to come back to this page, it will be too late.

MTC–00018890

From: Dick Lewis
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Proposed settlement: please reject it

I urge you to reject Microsoft's proposed settlement.

Dick Lewis

MTC–00018891

From: wilbur nelson
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

Hello:

I wanted to comment on the penalties to be imposed on Microsoft. I believe that the negative externalities of the Windows OS are extensive and have burdened the public unnecessarily. Had there been more competition in the market there would have been an economic incentive for Microsoft to make its products easier to configure and maintain. The general absence of ease-of-use in the Microsoft product lineup has come at a cost of millions of man-hours to our nation and the world. The penalties imposed on the Microsoft Corporation should focus at least in part on reimbursing the public for these losses—this reimbursement should be straightforward, originate in the form of monetary compensation from Microsoft, and be paid to various public institutions.

Thank you,
Wilbur Nelson
Offcenter Concept House
280 W. Katmai Ave.
Soldotna, AK 99669
Voice: 907.260.6904
Fax: 907.260.6905

MTC–00018892

From: Brett Presnell
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

To Whom It May Concern,

We disagree with the proposed settlement in the Microsoft antitrust case. We are particularly concerned with provisions that do nothing to enable open source (''free'') software to compete effectively with Microsoft. We say ''enable'' because Microsoft's monopolistic, anticompetitive practices have largely prevented not only traditional software businesses but also free software from maintaining a viable position in many areas of the market. Thus it would be misleading to suggest that anyone's ability to compete should be ''protected,'' since there is currently little to protect. Some relevant discussion of the effect of the settlement on open source software can be found in the following documents. We agree strongly with the viewpoints expressed in these documents. November 5, 2001 Letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly regarding the USDOJ/Microsoft proposed settlement. http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Robert Cringely column concerning the settlement. http://www.pbs.org/cringely/pulpit/pulpit20011206.html Some suggestions from Richard Stallman concerning possible remedies. http://www.gnu.org/philosophy/microsoft-antitrust.html We will also be co-signing the following letter from Dan Kegel: http://www.kegel.com/remedy/letter.html Microsoft has been found guilty of antitrust violations. To support the public's interest in the critically important areas of computing and networking, Microsoft must be punished and their monopoly must be dismantled. To quote Robert H. Bork, former U.S. Solicitor General and Appellate Judge (see http://www.procompetition.org/headlines/120701.html) I continue to believe that a

divestiture of Microsoft would have been the most efficient way to restore competition but barring divestiture, the settlement must be greatly strengthened to prevent future anticompetitive practices by Microsoft and hopefully to reverse at least some of the effects of their past and present anticompetitive practices.

Sincerely,
Brett Presnell
1615 NW 14th Avenue
Gainesville, FL 32605
James Hobert
2906 NW 12th Pl
Gainesville, FL 32605
Balasubramanian Narasimhan
4998 Englewood Drive
San Jose, CA 95129

MTC–00018893

From: Mike Wexler
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The current settlement doesn't seem to address one of the keys issues of their monopoly. The fact that Microsoft owns the API that most commercially available software uses. If I want to from TurboTax or Finale or any number of commercial programs for PCs. I have to buy Microsoft Windows. There are several groups trying to create competitive/compatible operating systems: WINE (http://www.codeweavers.com/home/), Lindoex (http://www.lindows.com), Wind/U (http://www.bristol.com/windu/index.html). In order to level the playing field for these and other projects. The Final Judgement should include the following provisions:

1. Notify vendors of technical requirements in advance.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. Release API documentation ealier.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Document all important APIs.

The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Remove Restrictions on the Use of the Released Documentation

ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems. If we are truely trying to create a competitive environment. Why not have them release the windows API documentation as freely available etext. So that anybody trying to create compatible operating systems has free access to the specifications. Note, they would still need to implement the APIs. This just means the specifications would be publish. It should be required that these specifications be in enough detail to run all of Microsoft's products and the top 100 non-microsoft commercial applications.

5. Fully Document File Formats

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Document protocols.

The protocols used to communicate between clients and servers should be fully documented. So that applications from diverse environments can interoperate with microsoft clients and servers. This would keep Microsoft from leveraging monopoly in one environment (desktop OS, Browser) to other environments (Server OS, Web Server).

7. Disclose which patents covering the Windows APIs.

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin''. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

MTC–00018894

From: Kent Zhang
To: Microsoft ATR
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

Dear Sir:

I am writing to you to show you my support for breaking MS into two parts for the following reasons:

1. It is a good way to stop MS to kill competitions in computer industry. MS is a monopoly and has been killing new innovations. They have been using MS OS for PC to push their own products and to kill other products. Netscape is one of them. There will be more and more products to be killed by MS.

2. MS claims that their product is better. Because of their monopoly and powerful marketing and financial system, no other competitors can survive and produce better products. For example, MS word is the only word process people are using now. It can be better. However, MS is not in the hurry to improve it.

3. Once MS is broken into two parts. They have to compete harder and better products will be produced.

Thank you
Kent Zhang

MTC–00018895

From: Nathan Woods Currier
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

Under the Tunney Act, I am complaining about the final judgement against Microsoft. Among its more serious problems:

—There is no enforcement mechanism except further slogging through the courts, which will take many years. In the meantime, Microsoft will continue its anticompetitive practices.

—The judgement allows Microsoft to retaliate against small OEMs who ship computers without Microsoft operating systems.

—Competitors are prohibited from making Windows-compatible operating systems.

—The judgement allows use of licensing terms which would prohibit running Microsoft and open-source software together at the same time This judgement is basically a sellout to Bill Gates. If passed, the government would effectively be using its legal force to prop up Microsoft's monopoly, instead of encouraging competition (as is the stated purpose of the judgement).

MTC–00018896

From: Joshua J.Kugler
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

To whom it may concern:

It is my belief that Microsoft has violated the laws of the United States and has done everything in its power to crush and disable

its competition. I would like to see Microsoft broken up and/or more closely regulated.

Joshua Kugler, Information Services Director

Associated Students of the University of Alaska Fairbanks

MTC–00018897

From: emwkm
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft settlement

I'm certainly glad that the current Govt. were not in charge when Henry Ford was inventing his car or we would be still riding in buggies. Leave Microsoft alone and tend to some real govt.

MTC–00018898

From: Joseph Pietro Riolo
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a computer programmer for more than 15 years, I am very concerned with the proposed Microsoft settlement. It still allows Microsoft to block software developers from creating programs that can run on Windows-compatible operating systems other than Microsoft Windows. Your settlement must forbid Microsoft from limiting the new applications to its only operating system. Your meaning of API is narrow meaning that Microsoft does not have to release documentation about all APIs between applications and operating system. Your settlement must be modified to expand the meaning of API to include all interfaces between operating system and applications.

I am puzzled at why your settlement does not allow the software developers to use the API documentation to create a new operating system so that the products from Microsoft can run on it. What is good about your settlement if no one can write a new operating system that is compatible with Windows-related products?

Your settlement must require Microsoft to identify which of the Windows APIs are covered by its patents. How can your current settlement be helpful if Microsoft keeps the software developers guessing which API is covered by which patent?

Joseph Pietro Riolo
R.R. #3, Box 3198 Cranberry Road
East Stroudsburg, PA 18301–9518

MTC–00018899

From: Edwards, Aaron
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

The Microsoft Settlement is a bad idea. Microsoft has had a strangle hold on the computing environment for way too long and the proposed settlement will do nothing to inihbit Microsoft from continuing on it's anti-competition campaign. Please reconsider the ''punishment'' proposed. The original proposal of a company split was the most favorable option I have seen so far.

Thank you.
Aaron Edwards

MTC–00018900

From: Fernando Jimenez
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

Quite frankly, I think I've seen enough of microsoft's monopolistic and competition bashing activities. They deserve some kind of punishment. Money would probably not be punishment, since they can recover that. However, something serious, like prohibition of bundling explorer or msn messenger with windows. Now that would restore proper competition. Let the users choose what the want, instead of stuffing them with their own software to kill competition.

THanks

MTC–00018901

From: Daniel J. Cragg
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I feel that the proposed settlement with Microsoft does not go far enough. They should not get a free ride just because the judge said some things which lead some to question his impartiality. I am a conservative and usually against most anti-trust cases, but I believe that Microsoft has too much power. They are bullies. They steal good ideas from every other company in the industry, make an inferior version, and then use their power to eliminate the originators of the idea and force consumers to buy their inferior goods. If Microsoft is not weakened severely, they will continue to infect every aspect of the technological industry and bully the competition out of the market. Breaking up Microsoft's empire is imperative to the health of the tech industry, and therefore—the economy. Please do not group this case in with the rest of the trash from the Clinton Administration and Reno Justice Department. Go at them full bore.

Thank you,
Daniel J. Cragg
943 Wild Rose Court
St. Paul, MN 55123

MTC–00018902

From: Tom Wilcox
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I am writing to comment on the recent proposed settlement of the Microsoft antitrust case. For several reasons, I feel the current settlement is insufficient, and will in fact stiffle competition further. However, the only aspect I will comment directly is on the non-disclosure of file formats by Microsoft. By not forcing Microsoft to disclose their file formats, the PFJ will maintain a very high barrier to entry into markets currently dominated by Microsoft. The reason is simple: people today exchange documents among computers every day, and if you don't have the MS applications, most likely you won't be able to read said documents. If the file formats are open, then any ISV can write an application to read and/or modify documents produced using MS software. This would, in effect, make competition based on the quality of software, independent of market dominance.

Thank you for your time.
Regards,
Tom Wilcox
Integrative Biology C0930
University of Texas
Austin, TX 78712
ph: 512–232–6283
fax: 512–471–3878

MTC–00018903

From: Don Gillaspie
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

Until Microsoft is broken into at least two parts there can be no affective competition in any software Microsoft sells.

MTC–00018904

From: Ian Billington
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I don't agree with the proposed settlment with MicroSoft.

Ian M. Billington
Ester, AK 99725

MTC–00018905

From: Matthew G. Shafer
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry. One particular change I recommend is that Microsoft be required to publicly release the Internet documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Thank you for your time.
Sincerely,
Matthew G. Shafer
Student

MTC–00018906

From: Fabricating Machinery Corp.
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

To whom it may concern:

It is my great disappointment in the ineffectual settlement of the United States vs. Microsoft antitrust lawsuit. Microsoft has demonstrated it's tactics of bullying and coercion in every business field that it has enter. The operating system market, the office suite market, the Internet browser market, the Internet service provider market, and if past history is any indication, the multimedia and gaming markets as well will fall victim. Why do we have laws for matters of antitrust if the Department of Justice is not going to see them through and take appropriate legal action? The settlement terms are both ambiguous, and thereby easy to navigate around, and the stand to offer Microsoft a better market position. If corrective action is not taken,

soon we will may very well have no choice but to use whatever Microsoft decides we will using, and pay obscenely high prices for it. As a United States citizen, a taxpayer and a voter, I am direly concerned that all the time and taxpayer expense in regards to United States vs. Microsoft will have been for the EXCLUSIVE benefit of Microsoft and it's stockholders. That's not justice, that's collusion.

Sincerely,
David W. Bradford

MTC–00018907

From: Joseph Lazzaro
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

To whom it may concern:

As a system administrator and programmer for a small web-related company, I am very concerned that the proposed Microsoft settlement will prove ineffective in preventing the monopolistic behavior that has hindered the growth of viable Microsoft alternatives. Furthermore, I believe that it will in fact help to further Microsoft's unfair dominance of the operating system and PC applications market. Of particular concern is any plan that would have Microsoft place Microsoft-based computer systems and software in schools. While I agree that our schools require attention in this regard, I feel that this will a) not punish Microsoft for their proven illegal behavior as it is of no real cost to them (the software, once written, incurs no cost to distribute), and b) enforce Microsoft's dominance by training future generations in a Microsoft-centric manner, as students would not see and appreciate alternatives.

Another concern is that by not breaking up Microsoft into an Operating System arm and an Applications arm, APIs remain closed and the opportunity for competitive, interoperable software is greatly hindered. This will allow Microsoft to continue to extort the public with forced upgrades to read arbitrarily changed file formats. The consumer public is, in a very real sense, held hostage by the hold that Microsoft has on these APIs. I have seen the damage the Microsoft Monopoly has caused first hand in my field of work, but it is my hope that with the continued perseverance of the Department of Justice in the rightful prosecution of this criminal behavior, some relief is attainable.

Thank you.
Joseph Lazzaro

MTC–00018908

From: Smith, Jeremy—Geek
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

There are many problems I see that the proposed settlement does not cover that I believe are of the utmost importance. I would like to point out one that has plagued me. I develop software for internal use for Case Western Reserve University's School of Management. I enjoy using the Microsoft product Visual C++. However, I am prevented from doing so because of the End User License Agreement for Visual C++. In the EULA, it states: ''You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product'' Therefore, I cannot use it because I am forced into only deploying the software on MS operating systems and the faculty, staff, and students who use non-MS operating systems (MacOS X, MacOS 9.x, a Linux distribution, a BSD distribution, etc.) would not be able to use it. Additionally, there are other clauses in MS's EULA's like the one in Frontpage (the web site editor) that disallows you from using it if you create web sites that may say negative notions about Microsoft. And, then, of course, there are all the 3rd party software vendors who depend on interoperability with Windows—these vendors need more open API's to compete with their MS competitive counterparts. I just hope that everything undergoes a more thorough review before a settlement is reached. A review that involved a heavy edit to the current proposed settlement.

Thank You,
Jeremy Smith
Application Developer
IT GroupPGP Fingerprint: Weatherhead School of Management4B34 3999 B427 06AC E28A
Case Western Reserve E9DA 66B2 32A5 98EF F82B

MTC–00018909

From: Andrew Ettinger
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

To whom it may concern:

I am a software developer and a senior in Computer and Information Science program at the University of Oregon. Laissez-faire economics works in many other industries, but not in computing. Computers, being precise machines, allow vendors to ''close'' their standards, and without being able to reverse-engineer anymore, settling the Microsoft case in the proposed manner is a horrible idea. They have a long history of stifling development with software that is easily cracked, bullying opponents, and overcharging for their services via closed standards and overt political practices. Please don't allow them to continue for the sake of our industry. Everyone can play together, work together, and play and work fairly and still make money and provide great service. Their practices are underhanded and should be punished. But fundamentally, the government needs to realize that open computing standards are what creates a laissez-faire computing industry, which is what is best for the developers and the consumer.

Thank you,
John Andrew Ettinger
1884 Alder St. #2
Eugene, Oregon 97401
541.684.8306

MTC–00018910

From: Charles Wood
To: Microsoft ATR
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

I would like to cast my vote against the proposed settlement. It is entirely too lax and makes it too easy for Microsoft to lock out competition without any fear of retribution. A number of changes should be made to the settlement in order for it to have the desired effect (i.e., the prevention or at least dampening of Microsoft's anticompetitive practices). An extensive analysis of the proposed judgement's weaknesses can be found in the essay, ''On the Proposed Final Judgment in United States v. Microsoft'' by Dan Kegel, located at http://www.kegel.com/remedy/remedy2.html, along with proposed alterations to strengthen its effect. I fully support these propositions and hope they are incorporated into the final judgement.

Thank you for your time,
Charles Wood
649 EN 18th #6
Abilene, TX, USA

MTC–00018911

From: Bryan Dumm
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I am against the seattlement. The seattlement is like painting Microsoft's logos on the 50 yard line.

Bryan

MTC–00018912

From: Greg Page
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

This settlement is a bad idea. Microsoft must be stopped

MTC–00018913

From: Steve Panasuk
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

As an example; if I had built a car wash, and right next door a large oil company built a convenience store selling gas and a car wash in back, and then started giving away car washes, no one could stay in business with that type of competition. They could run anyone out of business. I think there is case law where companies have to charge for a service like this. This is the same with Microsoft. By allowing them to add programs and give them away, where is the incentive to get into the software business. I think this is unfair, anticompetitive, anti-innovation, and more importantly, unlawful. Improve your product, fine, how about adding stability and security.

But to add a browser, why? Why didn't they add a personal accounting program, or give away a spreadsheet program. Because they were out to destroy another company, not improve their product. The ruling is 7 to 0, and that has to have some weight to do something substantial.

Thanks for this forum,
Respectfully submitted,
Steve Panasuk

MTC–00018914

From: Thomas Hammell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:03pm

Subject: Microsoft Settlement

I think the proposed settlement is a terrible idea. It's become clear from the misinformed acts of the U.S. patent office and now the court system that the U.S. government is losing its handle on the realities of business and competition in the current digital world. It's too late to be proactive, but there's still a chance to fix our course.

Tom Hammell

MTC–00018915

From: Grant W
To: Microsoft ATR
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

I write to tell you how important it is to find a better agreement on the Microsoft Settlement. I feel the proposed solution is much too lenient. Though the courts have determined that Microsoft performed anti-trust actions in the browser field, the decision has little weight. The Microsoft browser is used by over 80% of the marketplace—the competition can never be restored. I suggest that the DoJ solution realize the conclusion that allowing the software giant to remain as one unit will forever give them the ability to lock out the competition. All companies must use Microsoft's product for an operating system. Microsoft is also their biggest competitor. This is a conflict of interest, which you have the opportunity to rectify. Please ensure Microsoft releases operating code to public-domain at the same time they release to their other product line sections. History has shown this to be a very effective way for them to remain ahead of their competition.

Best Regards,
Grant Willison

MTC–00018916

From: Steven Fell
To: Microsoft ATR
Date: 1/24/02 1:17pm
Subject: Microsoft Settlement (Please Read)

Hello—I would like to take some of my valuable time and write to you. I say valuable in that we all only have 24 hours in our day in which to work (eg. Provide for our families), Live (spend quality time with our families & friends), and rest (so we can do the first two above. Work by far takes up a majority of our lives these days especially in the current economic situation we are facing. We are also all more conscious of our time this days since the 9/11/2001 tragedies that took thousands of lives in a matter of seconds.

This country has been based on hard work on innovation, not LAW SUITS. I believe 100% in the value of the Department of Justice to look out for 'consumers' NOT 'companies'. Microsoft (more than any other in the technology industry, has brought value to 'Consumers' and companies. I'm not an attorney and don't know the specific details on the Anti-Trust laws but when I read in the paper that AOL/Netscape are courting states to continue this lawsuit (eg. Not spending resources on innovating products and services for consumers...) is absolutely appalling and wrong.

Please focus the remainder of this case on doing what 100% right for consumers, not padding the pockets of companies that would rather spend valuable resources courting states to sue rather than innovate their products for the good of consumers and our country. Please write back and let me know that someone human read this.

Thank you.
Steven Fell
Lead Program Manager, Technical Diplomacy
Platform Strategy Group
Microsoft Corporation
425–706–8509 wk
206–601–7129 cell

MTC–00018917

From: Neil Drumm
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea.

-Neil Drumm

MTC–00018918

From: Fong Vang
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Since Microsoft has been proving guilty of illegal monopolistic practices, the punishment must be more severe. The settlement essentially lets Microsoft get away with the crimes it has committed. Furthermore, stronger restraint must be put in place to prevent Microsoft from abusing its power again. I sincerely hope the DOJ will not let Microsoft get away with it relatively free.

-Fong Vang
Systems Engineer
Pleasanton, California

MTC–00018919

From: Ian Byers
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

The problem is that Microsoft controls the medium as well as having a large hand in the media. This gives them an unfair advantage when producing media for their medium. To rectify this, they should have to disclose *everything* about their protocols and technology that others could use. If they are going to use aspects of their operating system for their applications, then their competitors should have the same access to those aspects.

Also, regarding the donation to schools: isn't it a little odd that the attempted punishment it actually rewarding Microsoft in the long run?

Ian Byers
(604) 637–0200 ext. 113

MTC–00018920

From: Not(u)a(u)valid(u)name No(u)way
To: Microsoft ATR
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

Dear Sirs and Madams,

From what I understand of the proposed solution, I am opposed to it. The proposed solution is not in the public interest. It doesn't seem to stop Microsoft from using it's monopoly to extend into other areas nor does it seem to actually prevent them from continuing as they have been. There appear to be enough loopholes to avoid Microsoft actually changing their business practices, which is the intent of the proposed solution. In that regard, the proposed solution would and should be considered a failure and should be replaced with real remedies and real pain for Microsoft if they break those remedies.

Sincerely,
Terry Ackman

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp.

MTC–00018921

From: David S. ''Greeny'' Greenberg
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to register my opposition to the PFJ as I firmly believe that it will do nothing to promote competition. Indeed I believe that the PFJ will serve to restrict innovation and competition. The PFJ will end up costing consumers money and choices. The PFJ amounts to a mere slap on the wrist. Microsoft should be severely fined and restricted for what they have done, or they will not stop in the future.

Thank you for your consideration.
David S. Greenberg
PO Box 307
Highland Park, IL 60035

MTC–00018922

From: John Wilkerson
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

I feel that the proposed settlement is bad. Microsoft needs to have a significant monetary fine levied against it. Allowing them to donate software to public schools gives them even greater market penetration. The punishment needs to be in the form of something that penalizes Microsoft, not helps them. Their monoplolistic hold on the PC desktop needs to end now. Free choice is always good for consumers and really creates innovation. Microsoft is not innovative and is downright deceptive. I would not like to see Microsoft go away as a company, I would like to see the competition have a level playing field and better opportunities to enter the market.

Sincerely,
John Wilkerson
Southfield, Michigan

MTC–00018923

From: Rich Curtis
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

SUCKS.
RC

MTC–00018924

From: Tom 7
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I believe that the proposed settlment is not strong enough to prevent Microsoft from engaging in future non-competitive behavior.

Tom Murphy
Pittsburgh, PA

MTC–00018925

From: Katherine Holcomb
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement in the Microsoft case in its current form. The settlement falls far short of what will be required to ''level the playing field'' in the personal-computer software industry, particularly in the realm of operating systems. For example, the requirement that Microsoft disclose its operating-system application programming interfaces must have more teeth and a more effective enforcement mechanism before any competing system such as Linux will have a fair competetive opportunity. Microsoft should also not be allowed to hide behind ''security'' to keep its APIs secret; an independent reviewer should be empowered to determine what is a legitimate security concern and what is stonewalling.

Thank you very much,
Katherine Holcomb
Linux user

MTC–00018926

From: Timothy John Webb
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

I truly believe that Microsoft is manipulating the government and trying to get the most beneficial settlement they can get. They no doubt have a monopoly and will do everything in their power to keep it that way. Personal computer users at home especially have no choice but to buy Microsoft products, and when Microsoft chooses to not support their version, they are forced to upgrade, costing hundreds of dollars to you regular Amercian citizen. On top of that, each new distrbution of Microsoft products, especially the windowing environment unfairly called Windows, is more bulky and buggy than the previous release. If a user is satisfied with their current software, they should not be forced to upgrade to something more resource demanding. This creates a need to upgrade the hardware so that the programs may run more smoothly with the additional unwanted features that take up valuable space. As long as MS holds their monoploly, all major releases of software will either be strictly Windows 98/2000/NT/XP and, if lucky, a realease for Apple computers as well. Be informed, though, that Apple is much different from MS and should not be considered something that voids the Monopoly. Apple makes their hardware and software specific for each other. If a consumer buys an iMac, they also get the Mac operating system. Typically Apple products and MS products are not interchangeable. For an IBM-compatable computer, the choices are: Microsoft Products, and Microsoft Approved Products. As a consumer, I hate to be locked into the Microsoft cycle. It is not an easy task to eliminate Microsoft products from my computer. If I do, I lose the ''priveledge'' to 99.99% of all distributed software. I walk into my local retail store and can not find a single program that does not say that it REQUIRES MS Windows 98/2000/NT/XP. Notice that this no longer includes Windows 95. This means all the consumers who are happy with 95, some of whom I know, MUST upgrade if they want to run the latest software. And MS upgrades are not free, and not cheap. Bottom line is that if the Goverment says you have a monopoly, you must split. Or you must cease these unfair business practices and do such and such to fix the existing repricussions, MS should follow without whining. Instead, they carry it out as long as possible, pull every string they can, put in conditions that will help them more than hurt them, and insist on their conditions. Justice must prevail, DO NOT give the citizens of this country, dedicated to freedom, the perception that the judicial system will bend over backwards for billionaires. Where is our freedom of choice for computer products?

MTC–00018927

From: Scot Close
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement. I believe that the misleading and overly narrow definitions in the proposed settlement will severely reduce its effectiveness.

Scot Close
Santa Cruz, CA

MTC–00018928

From: Lee Clontz
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

To whom it may concern: It's time for this case to end. Microsoft is clearly not a monopoly (there are several alternatives, some free, some more expensive) and companies like Netscape which have fallen on hard times have done so of their own accord. To wit, Netscape didn't release a single browser product for upwards of nearly four years... to compete, you actually have to compete! AOL doesn't even use Netscape—which they own—in their own products. The software industry is the most dynamic, fast-moving, innovative industry in the world, from where I sit. Yes, Microsoft is the big dog, but there are several alternatives (Linux, Macintosh) that shouldn't get a leg up just because Microsoft has been more successful. Please end this trial now, and let the markets decide. Good ideas will win out, and it's not the government's job to help those who can't keep up. I was not asked nor paid by Microsoft to send this message—just a concerned taxpayer.

Thank you,
- Lee Clontz
1417 Tuxworth Circle
Decatur, Ga. 30033

MTC–00018930

From: Matthew Wight
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

KILL MS THEY WILL TAKE OVER THE PC MARKET WITH THE XBOX!!!! THEY ALLREADY HAVE INTERGRATED ALMOST PEICE OF SOFTWARE IMAGINABLE INTO THER OS!!!! SHOOT THEM DOWN!!!! I HATE MS!!!!!!!!!!

MTC–00018932

From: root
To: Microsoft ATR
Date: 1/23/02 6:15am
Subject: Microsoft Settlement

Dear Sell-outs.....when Microsoft can charge $299 dollars for the ''most-secure OS to date from Microsoft'', that has more holes than all of the other non-microsoft OS's combined, and you let them off with a settlement that won't even effect the liscence agreement or the price that they force on the average John Doe, it serves to only reaffirm how easily justice is bought and sold in this day and age.

MTC–00018934

From: Sean Harre
To: Microsoft ATR
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

doj:

i do not support the current legislation against microsoft—i think it falls short of actually stopping their monopoly in many areas and will not truely open their interface to competing companies, one example: No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). i urge you to please reconsider this point. thank you for your time,

Sean Harre 303–583–5374
'Spectral.ink, Boulder CO

MTC–00018959

From: David Turcaso
To: Microsoft ATR
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

I must say that the proposed settlement is not a good one, in general because the proposed remedy is clumsy, unworkable, and liable to lead to further litigation when problems crop up. In addition, I believe many of the details of the proposal, especially the provisions concerning disclosure and licensing to commercial businesses only, will have a devastating effect on open-source projects that interact with Microsoft products. This can only lead to strengthening Microsoft's market position, and allowing them to benefit from their monopoly. I urge you to reject the proposed settlement, and to re-open the idea of separating Microsoft into two or more companies as a simpler, fairer remedy.

David Turcaso
1411 NE 16th Ave #212
Portland, OR 97232

MTC–00018960

From: James K. Wing
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

Dear Ms. Hesse: As a public citizen, I wish to express the opinion that this civil anti-trust case against Microsoft should be settled according to the terms of the agreement set forth by the high Federal court as quickly as possible. Microsoft is a leading technology company whose products are socially beneficial towards educational institutions and helping the underprivileged to improve their cognitive skills. Their pioneering role directly impacts the American technology business sector and the U.S. economy positively, in the spirit of ''laissez-faire'' capitalism. Settle now. Thank you. James Wing

MTC–00018961

From: Ron Smith
To: Microsoft ATR
Date: 1/23/02 6:15pm
Subject: Microsoft Settlement

I'm a IT professional and concerned voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behaviour.

Ron Smith
Systems Manager
TLR & Associates

MTC–00018962

From: Chris Seager
To: Microsoft ATR
Date: 1/23/02 6:17pm
Subject: Microsoft Settlement

Dear Sirs,

I am against the current terms of the settlement. I think Microsoft must be placed under much greater control and pay a heavy price for their past conduct. Competition to the market must be restored. In past cases Microsoft have demonstrated that they will weasel around court orders and wring every possible leverage from every possible bolthole in any agreement. They have shown they intend to ignore any court remedies.

Competition and true Innovation is being restricted by Microsoft. Conditions will only improve if Microsoft is placed under draconian restrictions and by imposing penalties which actually hurt. Controls must be applied which assume every one of their actions is anti competitive, unless it can be demonstrated not to be the case.

Thank you for allowing me to record my comments.

Chris Seager.
Self employed I.T. Consultant.
Living in the U.K.

MTC–00018963

From: Scott Underwood
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

The proposed settlement is a terrible Idea.

Scott Underwood

''... challenging authority and insisting that it justify itself—are appropriate at all levels.''
—Noam Chomsky

MTC–00018964

From: Todd Papaleo
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

The way Microsoft is imposing its Passport strategy on consumers is not only audacious, but unwelcome. I am a Macintosh user, and I frequently exercise my choice to not use Microsoft products because of several reasons:

They're not necessarily the best, in that they're often burdened with a cumbersome and cryptic interface.

They presume too much (under the guise of assisting the user) about the work I want to accomplish, resulting in wasted time dealing with tedious streams of dialogue boxes and ''wizards''.

They, in short, dictate how I should interface with my machine to do my work, because they have a prescribed plan,a nd anyone or anything that doesn't figure in is deemed irrelevant.

It became painfully apparent that there is no escaping Microsoft's .NET startegy when I logged on to their Mac product website to download a trial version of Office v.X for Mac OS X. I was required to create a Passport identity in order to download it. Other users are forced to adopt a Passport identity when registering the full product. If they choose not to, they don't receive the benefits of registration.

This is like saying, ''You can run, but you can't hide. And if you run, you'll just die tired. We'll get you.'' I don't like the fact that even though I am actively avoiding using their products and services, I run into them sooner or later. I now know that if I ever want to use Office X, my Passport will be more important than my actual purchase of the product. I do have a Passport, but I got it two years ago when it made sense to have a Hotmail account. Now, this once innocuous mail service is part of a grander scheme to control my work and my life.

Microsoft consistently imposes their technology on the rest of the world, casting international standards to the wind, under the pretense of making technology better. In actuality, they are assuring their role in the world of technology by instituting new web protocols that fuel their dissemination of the Explorer browser, and the technologies they build into it ''for a better user experience''. This is but ONE example.

Other companies diligently adhere to international standards of technology in order to make the best products they can. But when a new version or service pack of Windows throws the world a curve ball, they are all forced to catch up or face the consequences. I work on PCs at work, and my computing experience is usually horrible to fair on any given day, generally because of security holes and malfunctioning Microsoft products that do not allow the average reasonable user enough latitude to know what they're doing or how to remedy a potentially disastrous situation.

Instead of adding features to ensure a ''better user experience'' (as opposed to a sharp stick in the eye), they ought to concentrate on making a secure and usable product where I don't need a MSCE certificate to set up my mail. I'm surprised that the world has not brought a class-action suit against them for all the pain, suffering and financial catastrophes that have resulted from them not crossing their t's and dotting their I's when they're putting out an operating system. Their reasoning must be it's better to get people's money now, and promise to issue a patch whenever some hacker exposes a blatant security flaw.

If they want 95% of the world, the least they could do is make it so their stuff works as advertised, and doesn't shower the people with promises of a better this and more exciting that. They have great responsibility to us, they are supposed to make it so we want to use their product.

The reality is we're forced to if we want to be in business, and even then our business transactions are constantly at risk because of their lackadaisical approach to security.

The sole purpose of Microsoft is to make money on anythng that they become involved with, including internet and computer companies. I don't want them to go away, I just want them to play fair and compete on their own strengths instead of turnignthe tables every 6 months.

Sincerely,
Todd Papaleo

MTC–00018988

From: James Forrester
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Dear Sir / Madam,

Dear Sir / Madam,

I am a senior software engineer at a financial company. Microsoft's retail business practices notwithstanding, their integration of new features and functionality in to their software has helped this company deliver a highly profitable web product which has weathered current economic conditions and has created many jobs. The time-to-market that is achievable with their software is second to none, and their .Net initiative is giving developers of all backgrounds an equal playing field in which to ply their trade- developers who may otherwise have found their positions marginalised. These low barriers to entry have unsurprisingly created an environment where competitors struggle to compete, but in closing let me say this: Microsoft's illegal activities represent one sphere of their operations; one which must now clearly face remedies to its sales and marketing practices. However the Microsoft that millions of developers deal with evey day is innovative, responsive, and exciting. Any remedy adversely affecting that portion of the compay would harm those members of the public- the software architects, trainers, trainees, managers, developers, administrators and consultants— who have worked so hard to make their companies the very best at what they do, using Microsoft software.

Best regards,
James Forrester

MTC–00018990

From: Kip Manley
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea; the least of all possible remedies for the harm Microsoft has indisputably caused. Given Enron, it seems foolish to continue to support

large, bloated businesses at the expense of true little-guy innovation—that this settlement does precisely that is a stinging refutation of the American Dream.

—Kip Manley

''Ma gavte la nata.''

MTC–00018991

From: Ron or Cecelia Oxford
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 6:17pm
Subject: Microsoft Settlement

Dear D.O.J.,

As a concerned citizen, investor, and stock holder of not only Microsoft, but other companies, I am fed up with this continual legal battle against Microsoft.

In the first place, it is my opinion that every company has a right and obligation to it's employees, stock holders and the consumer to produce the best possible products. Complete with new inovation. Every company in the world strives for market dominance, including AOL and Sun Microsystems. The facts are that Microsoft got the job done and now those cry babies are attempting to use every sleazy ''legal'' means at their disposal to attempt to gain what they couldn't in fair business. In my opinion, it is not the governments business to interfere with business and as such this trial is a travesty of justice. It should be done such that, let each of these ''poor abused'' companies bring civil suit, provided that they can show beyond any doubt that they have been wronged and not just a victim of their own weak business practices. This whole mess reminds me of small children who, when loosing a game, runs to tell Daddy the others are cheating. As a consumer, I applaud Microsoft for putting together a truly integrated operating system. One where all of the components are integrated to work together, eliminating the finger pointing of days gone by in the software industry. I have tried Netscape and found it lacking, I prefer Microsoft's browser. I had AOL as my internet provider, but since it wasn't compatible with some of the online programs (non Microsoft) I use, I made a conscious decision to change. Therefor, these companies claim that Microsoft has harmed the consumer is a large load of malarky. I, like every other consumer, had the opportunity to use Netscape and AOL, but chose not to. I wasn't forced to use Microsoft, I simply found it to be better than the competition. They harmed themselves and the consumers by not providing appropriate software that fit the needs of all consumers, not just their narrow band of selected few. My heart bleeds for them that they've lost market share. TOUGH, that's business. If they can't stand the heat, get out of the kitchen.

As an investor, I am enraged that this mess has been allowed to continue. It is no secret that Microsoft's ups and downs fairly well dictate the ups and downs of Wall Street and the stock markets. In these times of economic uncertainty, let's call it by it's real name——RECESSION, what consumers, investors and the everyday working people do not need is some more downturn of the stock markets. I believe it can fairly be stated that anyone who had investements in the stock market after March of 1999 has lost and lost big. In my own case, I lost well over 50% of my retirement funds. I guess I should sue somebody to recover what I've lost too, Huh. One of the major catalysts of that crash was the beginning of this legal battle between the DOJ and Microsoft. Further dragging it down was the cyclical weakening of the general economy and then add to it a period of uncertainty over who was the President. Now add Sept. 11. Isn't it time to get off Microsofts back and let the economy recover. I say it is!!!! In my opinion, Microsoft has made a much larger offer to settle than I would have considered fair, but still the crybabies of the world will not be satisfied unless Microsoft is ruined and completely gone. The question then is, who will they blame for their own mismanagement when again they fail and someone else is King of the Internet? So, tell me, WHO has harmed the citizens of this country, I give you AOL, Sun Micro. and the States Attorneys General, that's who. Therefor, I emplore you to put an end to this nonsense and let the country get on with trying to recover.

Sincerely,
Ron Oxford
19128 SE 63rd PL
Issaquah, WA 98027
(425)643–1172

MTC–00018992

From: Brian Pepper
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

To whom it may concern:

This letter's purpose is to comment as allowed under the Tunney Act upon the proposed final judgement in the Microsoft anti-trust case. If I have sent it to the wrong address or it reaches you in error, please forward it to the proper address.

I disagree with this proposed settlement. As an open-source programmer, I am especially disheartened by the leniency with which Microsoft gets off in terms of releasing information on their APIs. This settlement is unacceptable, because it doesn't even require that they say which are patented! This is a nightmare to anyone creating a competing implementation, because they don't know what they can and cannot emulate. At the very least, the settlement must be modified to force full disclosure of the patents.

Further, it doesn't require full disclosure of their APIs! (Definition K defines ''Microsoft Middleware Product'' to mean, in short, Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger, and Outlook Express.) This is, again, unacceptable. Take a person creating a game on Windows to compete with any of Microsoft's. By allowing Microsoft to keep some of their DirectX APIs secret, the potential competitor is forced to use only the functions Microsoft chooses to release. What if Microsoft kept certain functions to themselves that were faster or better than those they released? The competitor's game is locked into being of lower quality. I would support full disclosure of every API Microsoft has created, in a simple and easily understood format. Further, many of their simpler APIs, such as Windows Messenger and Windows Media Player, should also be disclosed in source code.

I hope my comments will be useful to you, and I hope you will reconsider what is a very poor settlement. As a citizen, I feel this current settlement is little more than a slap on the wrist to a company that has done real wrong, and has hurt both its competition and its consumers. Thank you for your time.

Sincerely,
Brian Pepper

MTC–00018993

From: Dave Owen (Los Angeles)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:23pm
Subject: Microsoft Settlement

I will be brief, as I assume you receive thousands of letters on this subject per day.

Microsoft has, at various times:

—eliminated OS competition (DR-DOS, BeOS)

—eliminated Software competition (Netscape)

It has done this not by creating a better product for a fair price, which would be applauded by myself and many others. It has done this by using its'' position as a very large, very powerful monopoly to create licensing impediments, create artificial technical incompatibilities, and give away free products until competition was eliminated. Licensing impediments: BeOS, an extremely viable desktop OS for the x86 platform, could not be pre-installed on x86 computers by vendors on their OEM products. Why? Microsoft's OS licensing agreements with these companies forbade it. With Windows as the dominant platform, OEMs could not afford to ship x86 computers without Windows. Licensing impediments: Netscape, a pioneer in the browser market, could not be pre-installed on x86 computers by vendors on their OEM products. Why? Mircosoft's OS licensing agreements with these companies forbade it. With Windows as the dominant platform, OEMs could not afford to ship x86 computers without Windows. Artificial technical incompatibilities: DR-DOS was a direct competitor to MS-DOS before Windows 3.1 hit the market. Windows 3.1 was not an operating system; it was a piece of separate software called a ''window manager'' that runs on top of an operating system. Windows 3.1 was fully compatible with both DR-DOS and MS-DOS. In order to prevent people from using Windows with DR-DOS, they programmed a module in Windows to detect DR-DOS. If DR-DOS was detected, it threw error messages—not ''Windows is not compatible with DR-DOS'' error messages, but random cryptic messages that could not be traced or fixed. Microsoft tech support staff told customers that DR-DOS was not truly MS-DOS compatible (it was) and that DR-DOS was causing the error messages. Giving away free products: This is well-documented with Netscape, and I will not rehash it here. In a nutshell, then, Microsoft has a proven history of eliminating competition by manipulating their operating system and software holdings. Without splitting the company in two, this pattern will continue.

Consider: Internet Explorer WAS a piece of software; now Microsoft claims it is part of the operating system. Windows Explorer

WAS a piece of software (windows 3.1); now Microsoft claims it is part of the operating system. It is likely a matter of time before software like MSN, Office, MSN Messenger and others are ''part of the operating system'', and software such as AOL, WordPerfect, AOL Instant Messenger and others are ''incompatible programs'' that cannot be shipped with OEM products or installed and run on Windows'' computers. Did I say I would be brief? Sorry about that—it's a very complicated subject after all.

MTC–00018994

From: Patrick Nolan
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

Is this for real? Is anyone monitoring this mailbox? I hope not because the organized campaign by the anti-Microsoft crowd is imploring people to send mail to this address to voice their ''displeasure'' with the terms of the settlement. http://www.theregister.co.uk/content/4/23802.html is just one of many popular pages suggesting that people write to the DOJ to complain about the settlement.

Patrick Nolan

MTC–00018995

From: metallik
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

Regarding the proposed Microsoft settlement:

I, among many others, disagree with this settlement as being far too lenient on Microsoft. One remedy that should be enforced is the opening of Microsoft's document and networking standards to the public. Microsoft used illegal means to achieve monopolistic status on the computer desktop, and they use their proprietary office document and network authentication schemes to help maintain this status. Forcing Microsoft to open these standards (such as the exact makeup of Microsoft Word .DOC files, Excel .XLS files, SMB authentication, etc) will help promote competition, as other vendors can implement support for these standards.

Right now, business owners are almost forced to purchase MS Office products because Office file formats are the de-facto standard around the world. Otherwise, their ability to exchange information with other businesses is severely compromised. This kills competiton, and benefits no one but Microsoft. By allowing open access to these de-facto file standards, other application developers can support them natively, thus promoting competition in the application industry. Compeition means better quality, which may even cut down on the number of computer viruses and exploits, as Microsoft would be forced to subject their products to much better quality control (or risk losing market share). There are other remedies I would like to see taken against Microsoft, but the above is one of the best choices. It doesn't impact Microsoft directly, nor does it require a lot of governmental oversight, but it WOULD greatly increase competition and prevent Microsoft from relying on proprietary standards to illegally maintain a monopoly.

Sincerely,
Larry Scott II
6833 Merwin
Cincinnati, OH 45227

MTC–00018997

From: Gary McDaniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement because will not adequately punish them for their anti-competitive behavior nor will it keep them from continuing to stampede over competitors through anti-competitive, not to mention illegal, strategies. Our own federal courts found the guilty. Adding to the proliferation of the Windows operating system by giving Microsoft access to countless school computers doesn't seem like punishment to me. Please find an appropriate punitive response.

Thank you,
Gary McDaniel
Los Angeles, CA

MTC–00018998

From: Stephen McNicholas
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

Department of Justice:

I wish to add my comments to the Microsoft Settlement. I don't believe that the existing settlement is sufficient. Yes, Microsoft has done some good things (including making it easier for most people to use computers). However, I believe that Microsoft is a monopoly in the operating system, office suite, and browser markets, thus allowing them to consistently overcharge their customers. With Microsoft's new licensing restrictions, they are going to be able to gouge their corporate customers. (As you know corporate IT departments tend to standardize their systems.. Since they have been locked into Microsoft products for some time, they may not be able to easily switch to other products.) There is a solution.. Its called the WINE project (www.winehq.com). WINE is an open source implementation of Microsoft API for Unix based systems.. API is the interface between the operating system, and the software that the user really wants to use. In plain english, it allows Unix based systems to run Microsoft programs. As you know, Linux is an open source (free, in both the meanings ''free beer'' and ''free to read the source code and modify''), and has been touted as a potential competitor of Microsoft. Linux has come a long way from its beginnigs, and even offers some powerful GUIs (for examples, see www.gnome.org and www.kde.org), and some powerful office suites (www.openoffice.org, www.koffice.org, etc.) As a remedy, Microsoft should be forced to publish their API publicly, completely, and accurately. Note that Microsoft does not have to publish the source code.. Instead, they can just document how it all works. Moreover, Microsoft should be forced to document their closed file formats. for example, the .doc format used by Microsoft word. this would allow others to develop programs that can easily read Microsoft Word documents. I believe that a combination of the WINE project and Linux would be an extremely powerful competitor to Microsoft.

thank you.
Stephen McNicholas

MTC–00018999

From: Marci Wilson-Boggs
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel strongly that the decision reached by the U.S. Department of Justice in this case against Microsoft is little more than a ''slap on the wrist'' to a company that has been forced to pay out millions of dollars to various competitive companies in the past 15 years for their clearly negligent violations of patents, copyrights, nondisclosures and license agreements. Microsoft has such a blatant history of unethical behavior. Who is actually going to hold them accountable for this judgment? They will ultimately find a way to keep issues tied up in litigation for years to come, rather than do the right thing for the computer industry... allow fair competition to thrive. I anticipate that in the next five years, the United States will be forced to bring further antitrust action against Microsoft again, due primarily to their violation of user privacy issues that are just now beginning to surface. Fair competition breeds true innovation. In my opinion, Microsoft should be forced to split their company into smaller divisions, and give the rest of the world the opportunity to create and innovate for larger marketshare.

Marci Wilson-Boggs
Americas CASC (Customer Advocacy Supply Chain)
X78612 or (303) 272–8612

MTC–00019000

From: Gregory Peker
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

To whom it may concern,

I have used both linux and windows in the past and have discontinued using linux for two reasons. Incompatibilities with hardware and lack of software. First of all, in linux, not all my equipment inside my computer work properly due to a lack of correct drivers. Windows, on the other hand, provides a wealth of drivers. A problem with alternative OS'' is that they lack necessary software. I am a web site designer and in linux, there is a huge deficit of programs I use (i.e.. Photoshop, dreamweaver, flash). I am not saying that Windows is very good, Microsoft can do a lot better, but I'm saying is that before you make a decision as to Microsoft's future, consider the alternatives. Linux, Solaris, and other similar operating systems are very good for servers because they provide the stability and protection needed. They are open source so IT officers can change part of the operating system to accommodate their requirements. One big problem that I have with Microsoft is their use of their proprietary technology. Some examples are, IIS (it's capability to serve ASP), SQL, and etc. Microsoft has a lot of

these proprietary technologies which force users to switch to their operating system. I think there should be a committee set up in Microsoft, payed for by Microsoft and hired by the government. This committee would assist Microsoft into deciding what to do so they don't get into any antitrust cases again. Some things they should do is to open the source code to some of Microsoft's code. Perhaps, open source Windows 3.11 and older. Those operating systems are obsolete and no one uses them anymore. Then in a few years, open source to the Windows 9x operating system, and continue doing this when the technology becomes obsolete. As a web site designers, I work with ASP and SQL very often. I would prefer running the server's under LINUX, but the only programs that serve ASP in LINUX are not as good as IIS. Microsoft should be forced to create an alternative to IIS for the LINUX platform. I am not a Windows enthusiast, nor am I a LINUX enthusiast. Both operating systems have a lot of potential, but for two completely different segments. Windows is more for the new computer user or someone who is not very good at computers. LINUX is for those computers geeks who know how to use the DOS like ROOT found in LINUX. I would prefer to run LINUX, but because of my software development requirements, can't. One thing that could be useful is the development of LINDOWS (found at www.lindows.com) which could be a good alternative to LINUX. This would not stray customers away from Windows, but provide people with a much larger choice of operating systems. If lindows can live up to its reputation, I wouldn't mind setting up a dual-boot system again. I won't get rid of Windows, but I will use it less. Most people will still use Windows because it will most likely be the only Operating System available in pre-built systems (i.e.. dell, gateway, Compaq, alienware, and etc.).

Gregory Peker

MTC–00019001

From: Aiichiro Yoshida
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Do not settle the deal as it is presented

I believe the settlement does not help schools as much. Microsoft should donate money in the form of cash rather than in the form of inflated used computer price. This only help Microsoft to increase its influence on high schools. Schools should have right to say how the money is used and what equipments/softwares are needed. No need for microsoft to give them over-priced equipments and softwares that they may not need.

MTC–00019002

From: Matt Russell
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

How do I put this...What a joke of a case this is turning out to be and what a joke of a resolution as well. Microsoft wants the money but doens't even want to listen (unless you pay them too) when you want to tell them what is wrong. They said the IE4 doens't do anything if it is integrated or just installed. They already signed saying they wouldn't do certain things yet they do. They use their muscle to push other people out of business when they find something they like and now they want everyone to go through them to write drivers or programs. Why don't we just hand Bill and Steve the US and just sit back and take the whole length of this up the ass. Yes, I think that is a good way to put, just take the whole length of this up the ass. The entire way this has been handled is just poor. Microsoft has lied to the people and should be punished. I think the company should suffer to being split, having a total of 3 people on the inside is going to accomplish nothing. Their will be enough red tape for them to go through that they will probably never get to the issues that serious computer geeks/professionals care about.

But then again, go ahead, let Microsoft have it easy, and use their own products to run the governments'' systems. Meanwhile, I will make a push for something like linux (and so will others, it has already started) and I will try to make sure that everyone understands that the government backed down when they shouldn't have and that Microsoft is more worried about making the money more than producing well written softare.

I am completely thankful for what Microsoft has brought to home computing but they cannot be the only company to do this. Business in AMERICA is what it is because of free competition, Micro$oft wants to push everyone out of the way. That is wrong and companies in the past that have attempted to do so have been dealt with. Now is time to deal with Microsoft.

A citizen of these United States

MTC–00019003

From: Ben Jacobs
To: Microsoft ATR
Date: 1/23/02 6:23pm
Subject: Microsoft Settlement

I think that any settlement with Microsoft is a bad idea. Microsoft has repeatedly demonstraded that it will do anything to win in the technology industry and I don't think that the settlement will be strong enough to stop them from destroying the desktop market more than they already have.

–Ben Jacobs

''one thing i can tell you is you got to be free.''

MTC–00019004

From: Scott Walter
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

Public Comment:

Microsoft has abused its monopoly with Windows Operating System and has engaged in hugely anti-competitive business practices. The settlement proposal offered by Microsoft is, in a word, a joke. They propose to give schools free software and refurbished PC's, which would do nothing more than expand their already ludicrous marketshare. This would be particularly detrimental to the likes of Apple Computer, AOL/Time Warner (Netscape Internet Browser), and all other competing products.

Microsoft must be be punished severely for its years of anti-competitive practices, whether by settlement or court decision. At the minimum, a very large fine (or cash donation to schools) should be imposed. To be effective, this amount must be at least $750 million. Microsoft should also issue a ''statement of intent'' as a press release, admitting wrongdoing and promising change. As further punishment, Microsoft should be required to list alternatives to its Windows Operating System/Explorer with any donation (to any school) it makes. This would guarantee a fair and balanced settlement and ensure the school's choice of hardware and software. In particular, Microsoft should be forced to mention ''Apple/Mac OS'', ''Netscape'' and even the ''Linux'' OS.

Thank you.

Scott Walter

MTC–00019005

From: kmmcdonald@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:25pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad deal for consumers and almost everyone else except Microsoft. Please do not accept this travesty of an agreement.

Thank you,

Kenneth McDonald

MTC–00019006

From: Trevor Buley
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Department of Justice TM.

a proud subsiduary of the Microsoft Corporation.

P.S. In the likelyhood that the DoJ is not smart enough to understand, the comment i made was sarcastic. Also, the word sarcastic can be found in the Oxford dictonary.

Kind regards.

Trevor

MTC–00019007

From: Mark Kolmar
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Gentlemen:

I oppose the Microsoft settlement agreement. This is a large, subtle, multi-faceted issue about which one could write volumes. I will state my objections as succinctly as possible. The agreement provides no penalty for the misbehavior that the courts have found.

The agreement provides for only weak oversight for enforcement of the agreement.

The agreement contains enormous loopholes which would enable Microsoft to work around the spirit of the agreement and therefore to bypass the weak remedies provided.

The agreement offers inadequate safeguards against Microsoft's monopoly power.

Mark Kolmar
1510 Valley Lake Drive #123
Schaumburg, IL 60195

MTC–00019008

From: dmj48@email.byu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Microsoft has been given too much leeway ever since they first began publishing Windows 95 versions with Internet Explorer touted everywhere from the startup screen to system support. The delays they have caused in the legal process have granted them further monopoly powers, ignoring the cases brought against them by not only the DOJ but by states and many different individual companies. It is time to give Microsoft the justice they deserve, and that is not something which is part of their proposals for settlement (which would extend their monopoly even further and take over as much as possible of the school market, which has previously been dominated by Apple). No fine considerably less than one trillion dollars or any series of promises will have any effect on their dangerous and obviously illegal practices. Microsoft must be forcibly broken in such a way that it cannot extend its monopoly into the server and security markets as it is now attempting with Passport. Don't let Microsoft do what it has done to Netscape and WordPerfect again. Don't let their ludicrous arguments that justice is going to cost taxpayers money and stifles ''innovation'' keep the DOJ from dealing justice to them.

Thank you for your time.
Daniel Jensen
Provo, UT

MTC–00019009

From: Eric Smith
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

I am writing today in regards to the proposed Anti-trust settlement between the US government and Microsoft corporation. I believe that this proposed agreement short-changes the American public by allowing Microsoft to continue with its current anti-competitive practices. For instance, the overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. Without the ability to understand these APIs, many application developers for competing platforms and products are unable to make their products interoperable with Microsoft's. This interoperabilty requirement is penultimate to other developers, as Microsoft currently has a monopoly in the Operating System business, and compatibility is the only way to sell products. I strongly believe that this proposal needs to be seriously rethought, with tougher actions taken against Microsoft.

Sincerely,
Eric Smith

MTC–00019011

From: Matthew Barron
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

Please, PLEASE reconsider the terms of this settlement. With the present provisions Microsoft will be free to steamroll along as it always has, crushing legitimate competition unfairly and killing diversity in the software market (to say nothing of its plans in others).

Thank you.

MTC–00019012

From: Scott Trotter
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

Gentlemen:

The prosecution of Microsoft for unfair and unlawful practices was a breath of fresh air for those of us involved with computers. The proposed settlement is an example of cowardice on the part of the prosecutors, and a vindication of all that Microsoft has done in the past to reach the position of monopoly and abuse it has reached at this time. It is clear to every thinking computer user that Microsoft has, and continues to, strangle the computer industry, in terms of contributors, innovation, and free thought.

The proposed settlement should be made void, and the D.O.J. should aggressively deal with Microsoft by breaking into smaller, more responsible, and morally just companies. No other remedy is acceptable.

Yours,
Scott J. Trotter

MTC–00019013

From: hiebertd@XonTech.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

From: Darren Hiebert Madison, Alabama
Senior Software Engineer, XonTech, Inc.

To whom it may concern,

I wish to express my dissatisfaction with the Proposed Final Judgement for reasons that I have found to be exceptionally well summarized and addresses by the following ''Open Letter to DOJ'', found at: http://www.kegel.com/remedy/letter.html

Unless the settlement addresses the concerns raised in this letter, I cannot find the settlement acceptable.

Darren Hiebert
<Darren_Hiebert@XonTech.com>
XonTech, Inc.
(256) 971–2977

MTC–00019014

From: Kevin M. Squire
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I have some concerns about the recent DOJ/Microsoft settlement that I'd like to share. Specifically, the settlement does not prevent Microsoft from discriminate against open source software, potentially one of Microsoft's greatest competitors.

I am a Ph.D. student and researcher who depends on non-Microsoft operating systems (mainly GNU/Linux) for my work. My research involves programming on PC's and an embedded system (in a robot) for which running Microsoft Windows is neither much of an option, nor is it desirable. For day to day tasks, the sheer ubiquity of Microsoft Operating Systems and Microsoft-specific data formats (specifically Word and multi-media formats), and the extreme difficulty in reading these formats under Linux, often means that I have to find another machine from which to handle documents from collegues or on the web. This is annoying.

A few companies and open source groups are working on ways to run MS Windows programs under Linux and other non-Microsoft operating systems. Specifically, an open source group (www.winehq.org) and a company called Codeweavers (www.codeweavers.com), among others, are working on versions of Wine, a Windows Emulator. This project, as it matures, has the potential of providing serious competition to Microsoft, by allowing users to use non-Microsoft operating systems, yet still use MS Windows-based products. Other open source projects, such as AbiWord (www.abisource.org) and KWord (http://www.koffice.org/kword/), attempt to read or translate Microsoft Word documents.

The DOJ/Microsoft settlement tries to encourage competition, yet fails to do much at all to benefit important competitors such as the above-mentioned projects. One potential benefit would be to allow access to Microsoft APIs and file formats to such open source projects. This would help these projects flourish and offer more viable choices to consumers. Another, more important consideration, would be to include open source projects in the list of ISVs against which Microsoft should not discriminate. For example, both the Microsoft Windows Media Encoder 7.1 SDK EULA, and the Microsoft Platform SDK EULA prohibit redistribution of (normally distributable) components with publicly available software or on non-Microsoft operating systems, respectively. Nothing in the DOJ/Microsoft agreement prohibits this discrimination, which again, has the potential to limit competition from open source projects.

While the DOJ/Microsoft settlement does somewhat address Microsoft's anti-competitive behavior, I hope that you consider using this opportunity to modify the settlement such that it encourages more competition from open source projects, and by closing potential loopholes that Microsoft could use to engage in anti-competitive behavior in the future.

Thank you for your time.
Sincerely,
Kevin Squire (k-squire@uiuc.edu)
Ph.D. Student
Language Acquisition and Robotics Group
Beckman Institute / Department of Electrical and Computer Engineering
University of Illinois at Urbana-Champaign

MTC–00019015

From: Victor R. Cardona
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

The proposed Microsoft-DOJ settlement is flawed. Although the drafters of the settlement clearly wanted to restore a measure of competition to the software market, they have instead allowed Microsoft to extend its control over that market by allowing Microsoft to define certain key terms used in the settlement.

Microsoft has shown its contempt for the law in the past by virtually ignoring a consent decree, falsifying evidence during the 1998 antitrust trial, and sending letters supposedly written by deceased people in order to convince the states'' attorneys general that they should accept the proposed settlement. They have already been found guilty of illegally maintaining a monopoly by two seperate courts. They're behavior since those rulings shows no sign of change. They should not be allowed to dictate the terms of their settlement. Please reject the proposed settlement.

Sincerely,
Victor R. Cardona
231 S. Kansas St
Edwardsville, IL 62025

MTC–00019016

From: William Softky
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement Advice

Sirs, Microsoft is the most powerful and exploitive monopoly since Standard Oil over a hundred years ago. If anti-trust law is to have any meaning, it must be strongly enforced in this case, which means rectifying the market imbalance, reigning in future conduct, and compensating for past injustice. We must *enforce* the law of the land.

William Softky
Senior Architect
Reuters, Inc.

MTC–00019017

From: Vartan Piroumian
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Proposed Final Judgement: United States versus Microsoft Dear

Sir or Madam,

As per the Tunney Act I am writing to express my considerable dismay at the Proposed Final Judgement (PFJ) in the case of the United States versus Microsoft. My motivation for writing is to give you a perspective on the dangers of allowing Microsoft to escape justice through the inadequate terms of the PFJ. I hope to encourage you to draft a much more comprehensive, precise, unambiguous settlement that adequately curbs Microsoft from further hurting the American people as well as citizens of many other countries.

I am a professional software engineer, and I am very well versed in the technical details that surround all of the issues in the Findings of Fact, Competitive Impact Report, and other official documents related to this case. This letter is not the appropriate forum to discuss all of these technical issues. Nevertheless, I would like to point out the crux of the issue at hand.

I believe the important question for the citizens of the United States, in the spirit of the motivation behind the laws that prohibit monopolization in our country, is: ''Does this settlement address the best interests of Americans?'' My answer is a resounding and unequivocal NO! The myriad ways in which Microsoft relentlessly pursues absolute domination through unethical, immoral and illegal activities will continue to hurt Americans as it has already done! The fact is that Microsoft software is inferior in many regards to alternative offerings that are available to the general public at lower cost. Yet consumers are not aware of this fact because they have never been given a chance to see alternative offerings, which are not allowed to compete in a fair, competitive environment.

Microsoft has intentionally created a vicious cycle—which will be perpetuated by your currently proposed PFJ—that prohibits consumers from ever seeing alternative software solutions. Microsoft has intentionally created an anti-competitive operating environment in which OEMs, VARs, and so forth are discouraged—even threatened—from even exposing alternative software to consumers. Moreover, they create unfair competition by restricting access to their platform and by creating proprietary application programming interfaces (APIs), file formats, network protocol extensions, and so forth. Moreover, they have intentionally broken the compatibility of other vendors'' software. The result is a vicious cycle in which consumers are more and more convinced that Microsoft software works better than anything else.

Other vendors can't compete on equal footing because of their disadvantage in software development, sales, deployment and exposure. The consumers'' experience is that only Microsoft software is compatible with the Microsoft platform and environments. Consumers are therefore discouraged from using alternative software. This decision further increases Microsoft's stranglehold on the market, perpetuating the cycle.

After more than fifteen years, simple, common Microsoft office applications still contain a plethora of bugs. Consumers in all walks of the private, commercial and high-tech sectors complain bitterly about the lack of quality and realiability of Microsoft products. They get inadequate technical assistance, pay increasingly more for their products, and are subject to tighter licensing fees that lock them into increasing dependency on Microsoft products.

Furthermore, innovation from other companies continues to be stifled. Therefore, consumers and professionals alike are condemned to further suffer the inferior status quo. How is all this in the best interest of Americans?

The average American thinks Microsoft is wonderful because they've never been given the chance to see any alternative solutions. Only you, the government, can remedy this situation. Create an environment that truly fosters fair competition. Give vendors a chance to compete on equal footing. Then let the market decide. Isn't that the main tenet of a free market, capitalist economy?

Mr. Vartan Piroumian
828 Lathrop Drive
Palo Alto, CA 94305

MTC–00019018

From: Tom Tetzlaff
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

I think the proposed settlement is lousy. Apparently, the number of complaints is what counts, so consider this a complaint. Enough said.

Thomas Tetzlaff

MTC–00019019

From: Allen Crider
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Hello. I disagree with the settlement reached by the Department of Justice and Microsoft. It does little to punish Microsoft and does little to prevent continued abuse of their monopoly position.

Allen Crider

MTC–00019020

From: David Corcoran
To: Microsoft ATR
Date: 1/23/02 6:26pm
Subject: Microsoft Settlement

Hello,

Please don't fail to recognize Microsoft's misuse of power in this industry. The current settlement only rewards Microsoft by allowing them to further expand their monopoly into the education market. The XBox is nothing more than a ploy for Microsoft to secretly merge their way into the PC industry. Mark my words, you will see office applications and a keyboard and internet and .NET for the XBox. It will continue to sell for $300 and put companies like Gateway and Compaq out of business. Microsoft is dangerous, and abusive with their power—do not fail to recognize this.

If you want to make a difference consider having Microsoft purchasing new Apple iMacs or iBooks for schools and allow Microsoft to bundle Microsoft Office with these computers, at OEM pricing.....

Thanks,
Dave

MTC–00019021

From: Lance Hoffmeyer
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

I feel that the Microsoft Settlement is a bad idea. It does not go far enough in punishing the monopoly. Many goog ideas and many competitors anies were put out of businness because of Microsoft's monopoly. A more severe penelty is required.

Lance Hoffmeyer

MTC–00019022

From: dcjohan@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:28pm
Subject: Microsoft Settlement

I wish to emphatically state my opposition to currently proposed remedy with respect to the Microsoft settlement. The remedy as proposed will do nothing to curb the predatory practices that have been employed, and will continue to be employed, by Microsoft. Just as we have multiple paths in our highway system and the internet for national security reasons, allowing Microsoft to continue to operate in the forced monopolistic control it currently enjoys removes all of that security by forcing a single point of failure in our electronic enterprise, especially so with respect to government actions resulting in the forced use of only operating systems and office suites from Microsoft, products which are

inherently unstable, and the prime carriers of computer viri.

David C. Johanson, Ph.D.

MTC–00019023

From: William Kueppers
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Hello,

I am AGAINST the current proposed settlement. It will set back the industry more than the 20 years that Microsoft already has. In my 37 years in this industry which grew out entrepreneurial spirit and competition it's sad to see it in the hands of all the worst monopolies.

William Kueppers

MTC–00019024

From: Rich Jones
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

As a Linux user, I am opposed to the way that Microsoft is placing a stranglehold on my ability to use an operating system of my choosing. The proposed settlement offers meathods for businesses (ISV's and OEM's, to name a specific few) to gain protection from Microsoft's monopoly dealings and some limited recourse. While I do not feel that these provisions go far enough, a greater harm may be done by specifically naming types of corporations either for profit, or non-profit.

The danger is that Microsoft will remain unchecked against open, free colaberations without corporations or legally recognized instutitions to stand directly behind. A few examples come specifically to mind:

1) The Ogg Vorbis music format. Ogg Vorbis is a non-comerical alternative to the MP3 and Windows Music Format (WMF), both of which give me serious restructions with what I legally can and cannot do with their formats, and, in my opinon, offer lesser performance. Ogg Vorbis is technically the superior of both of these formats, but you will NEVER see a Microsoft brand music player work with Ogg without sterner restrictions by the government. Why? Microsoft has no need for the superior format, since its adoption by the large Windows user base would lessen Microsoft's ability to control how users use their systems. If Ogg Vorbis fails and falls out of use without either a serious technical jump by MP3 or WMA, then it will be the fault of the US Justice Department for not ensuring it's ability to compete based on it's merits.

2) The Linux kernel. As it stands now, Linux has many corporations, both for profit and non-profit, that stand behind it and struggle to ensure it's future and success. However, when Linus Torvalds began the kernel, there was no such organizations. Microsoft has seen comptition by Linux, and left to it's own devices, will squash all new similar forms of competition now that it's eyes have been opened by Linux's success. How many similar technological innovations will be squashed by Microsoft if the Justice Department does not afford them equal rights of a corporation?

Please reconsider your current progress of maintaining the status quo.

Sincerely,
Richard Jones 53 Highland Ave.
Mansfield, MA 02048
joner@naisp.net

MTC–00019025

From: Bill Cameron
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

The currently proposed Microsoft Anti-trust settlement is a bad idea. It should be scrapped and a more severe penalty imposed.

Regards,
William H. Cameron
2960 SE 64th Ave.
Portland, OR 97206

MTC–00019026

From: Darin S. Ramzinski
To: Microsoft ATR
Date: 1/23/02 6:26pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement for the following reason: The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

MTC–00019027

From: Chris Bare
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW Suite 1200
Washington, DC 20530–0001

I would like to take this opportunity to state that the terms of the Microsoft Settlement do not adequately punish Microsoft for the monopolistic behaviors of which it was found guilty. Nor do the terms of the settlement server to prevent Microsoft from continuing and expanding it's anti-competitive practices in the future. This settlement is not in the interest of the people or the industry and should be rejected.

Chris Bare
Metro Link Incorporated
1401 NE 9th Street, #46
Fort Lauderdale, FL 33304
chris@metrolink.com
http://www.metrolink.com/

MTC–00019028

From: Rich Latour
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Antitrust Settlement-You Must Answer to History

Ladies and Gentlemen,

While an owner of a significant amount of Microsoft common stock, I feel that having had their day in court and been found guilty that appropriate and meaningful remedies against Microsoft must be put in place. This includes restitution to the victims of the illegal actions such as Netscape, etc. and structural changes to prevent future misdeeds by Microsoft.

Prior to having been found guilty, Bill Gates and company were openly derisive of the concerns of public officials about complaints of unfair practices from much smaller businesses than Netscape. In at least this case, those claims have been proven true. We cannot allow companies because of their size and political influence of their owners to consider themselves and their actions above the law and public interest.

You must take the hard road and protect the public. Seize a line from a Hollywood movie and remember the ideals you had when choosing a law career. Your family and grandchildren are watching.

Rich

MTC–00019029

From: Autumn Looijen
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement does not go nearly far enough in protecting future companies against Microsoft's anticompetitive practices. Please turn down the proposed settlement. It would be a disservice to consumers everywhere to do otherwise.

Thank you,
Autumn Looijen

MTC–00019030

From: Josiah Royse
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I feel the proposed judgement would NOT correct the corporation of Microsoft from competing unfairly in the U.S. and world markets.

Please reconsider the proposed judgement, and bring freedom and free choice back to our free market.

Josiah Royse
Lexington, KY

MTC–00019031

From: Robert Shallenberg
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I think that the settlement contains nothing at all that will constrain Microsoft from their anticompetitive practices. It should be much more restrictive:

—Disallow integration of browser, mail, and other such programs with the operating system.
—Prevent Microsoft from intimidating pricing policies calculated to prevent manufacturers and dealers from selling systems with alternative or no operating systems.

Separate the software division from the operating system division, as was suggested in the previously proposed settlement, and

allow technical merit to govern software use rather than unfair advantage.

As the situation in operating systems now stands, the country is practically in a state that—if it were agriculture it would be termed a monoculture, and this is a dangerous situation. In an agricultural monoculture system, a single germ or virus can wipe out an entire food supply. In this corresponding operating system ''monoculture'' the recent wave of computer virus plagues have the same cause—it should be noticed that only Microsoft operating systems and programs were both the source and the prey of the virus infections. (Note that as a user of an ''alternative'' so-called ''legacy'' system, I have not had a single virus in the past 8 years.)

Please make any settlement reached have some real remedies for the already legally established (and long enduring) criminal monopolistic business practice of the Microsoft Corporation.

Thank you for your efforts to these ends.

Robert Shallenberg
Oceanside, California
bobshall@sd.znet.com

MTC–00019032

From: Eva Kalman
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement is BAD

The current Microsoft settlement is not just. It perpetuates their monopoly. If you're in the software business or information technology, you must be satisfied to ''buy Microsoft'' or write add-on products that aren't too successful, otherwise you're afraid for your job or business. The way things are going, the only people who will get paid for writing (bad) software are Microsoft employees ; everyone else, such as the Open Source advocates, have to volunteer and write software for free.

Eva Kalman
Wheaton, Illinois

MTC–00019033

From: Brian Beveridge
To: Microsoft ATR
Date: 1/23/02 6:29pm
Subject: 'Microsoft Settlement'

To Whom It May Concern:

As a computer user (a PC network running Windows products) I have followed with great interest the anti-trust suit against Microsoft. The outcome of this process will determine my options as a computer user, and my costs as a business person. At present, I am forced by Microsoft's market domination, to use not only the Windows Operating System, but Microsoft's suite of office products, as well.

I believe that MS has used non-compatibility with competing products as a strategy with which to dominate the PC computing marketplace.

I believe, from experience working with software developers, that MS has used it's dominant marketing position to stiffle the success of small developers, while quickly coming to market with poorly designed adaptations of new ideas.

I believe that the terms and definitions in the proposed agreement are overly specific and will allow MS to bypass the anti-competetive restrictions within months, simply by releasing new product.

In summary, I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Brian Beveridge,
Owner—Paradigm Three
PARADIGM THREE
1645 TELEGRAPH AVE.
OAKLAND, CA. 94612
510–832–2295

MTC–00019034

From: J. David Eisenberg
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea for the following reasons:

1) Although Microsoft may not alter its commercial relationship with an OEM for shipping a competitive product, they may provide ''Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' What, then, prevents Microsoft from determining that an OEM who works —only— with Microsoft products may get a very large rebate for every system shipped, but that OEMs who use competitive products get no rebate, as their promotion is certainly not the at the same level? Effectively, this creates a mechanism whereby Microsoft can still financially punish any OEM that ships competitive software.

2) There seems to be no explicit listing of actual consequences for violation of any of the agreement, other than ''the plaintiffs will investigate this behavior.''

J. David Eisenberg
http://catcode.com/
CC:david@catcode.com@inetgw

MTC–00019035

From: Nick Sharp
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

And why is the Passport to the internet .NET as Mickysoft call it, which is as good as an official passport, but for the internet, being put in the hands of a corporation and not the government themselves?

Regards
Nick Sharp
Sond Pty Ltd
Po Box 53
Highgate 5063
South Australia
Ph: +61 8 8272 4488
Fax: +61 8 8357 2344
E-mail: nicks@sond.com.au
http://www.sond.com.au

MTC–00019036

From: steve
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Greetings All,

As someone who personally experienced Microsoft's casual dismissal of customer bug concerns regarding their Foxpro 2.0 databases in 1994 I find this all deeply unsettling.

The specific incident I refer to is a clasic example of MS inaction. Microsoft knowingly shipped it's initial Foxpro in a state that caused it to eat it's database when one tried to exercise preventative maintenance during a re-index. This sounds minor until you realie that they encouraged the use of the database nationally by the United Way, and in the process the United Way lost their donor data DBs. Casual estimates are that the United Ways lost over 70 million in contributions in that year due to this. There is no way to measure the amount of suffering that remained unaddressed due to MS's callousness. Microsoft not only encouraged software they knew was broen to be used, but also refused to provide any fix for the bugs in a timely fashion. In conversations with their technical support, the United Way vendor for whom I worked, Hewitt-Anderson, was told not only that they had no fix, but had no plans to release any fix until a the next version of Foxpro, which had no planned release date. Cold comfort for hundreds of United Way branches. The company feels that it is too powerful and prevasively deployed to need to respond in any way to problems it creates, or to even create products would survive in a true market environment.

The only real fix to to break that power down to the point to where Micorosoft feels that quality software and addressing customer concerns are once again important for it's survival.

The settlement is a waste of the taxpayer money and civil servant effort put into the case thus far. It fails to address the illegal restrictive agreements forced onto OEMs that was the heart of the actual Netscape case. It fails to address the OS information shared only with internal programmers (an extremely underhanded and amusing unsuccessful attempt to make up for the fact that non-microsoft programmers were consistently producing leaner faster applications). It fails to address the predatory pricing practices that unfairly restict consumer purchasing choice by punishing those who don't promise to purchase only the MS software. It fails to address that Microsoft lack of concern has created National security problems in systems deployed by the government...Are we going to point to your settlement as a point when the government hada chance and failed to prevent a posssible cyber pearl harbor?

The current settlement is only in the interest of the Microsoft management and lawyer teams. Ultimately even their employees, as US citizens, will suffer from the issues arising from the lack of due diligence to product quality and security that it luxuriates in as a monopoly.

Don't give up the good fight!

Steve

MTC–00019037

From: Eric S TUNE
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing you to comment on the proposed Final Judgement against Microsoft corporation. I am providing my comments in accodance with the Tunney Act.

I believe that the proposed Final Judgement is, in general, too lenient. In particular, I disagree with section III(J)(2), which allows Microsoft to decide with which parties to share information about certain APIs. I believe that this provision will allow Microsoft to hinder competition from small businesses, not-for-profits, and individuals, by refusing to disclose information about certain APIs. Furthermore, this provision would allow Microsoft to continue to abuse its monopoly position by impartially disclosing information about certain APIs. I urge you to amend the settlement to require Microsoft to make publicly known and to freely license the APIs covered by Section III(J)(2).

Please file my comments, and a response to them, with the court, as required by the Tunney Act.

Regards,
Eric Tune
etune@cs.ucsd.edu
9500 Gilman Drive
MS 0114
La Jolla, CA 92093

MTC–00019038

From: greg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

I watched the whole antitrust trial first with hope, then with fear, and now seeing how it will almost surely end, with bitter disapointment that my government is so easily bought out.

The whole situation brings to mind the ''Doctors'' words toward the end of the movie ''Alien''— something like ''I don't have very much hope for you, but you have my sympathy...''

Any end other than a complete breakup of the companies assets being sold off to competitors is in all likelyhood far to little, to late. Microsofts buisiness practices and buggy, insecure by design software cost the US and world economies billions of dollars in lost time and revenue every year.

If anyone actually reads this, my regards to you.

MTC–00019039

From: casey
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement

Citizen(s)—

The proposed settlement in no way punishes Microsoft for violations of the Anti-trust laws nor does it stop Microsoft from continuing its predatory and competition eliminating practices.

Additionally you should be looking into the deskop productivity applications market where Microsoft's binding of their OS with MS Office eliminates all market choice.

Casey Dunn
2704 All View Way
Belmont, California 94002

MTC–00019040

From: root@copland.udel.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:29pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my ''opposition'' to the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, not adequate given the findings of fact in the trial, and most important, does not remedy the harm inflicted on consumers by the low-quality, inefficient products that only a Microsoft monoply could successfully market.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. (Just imagine how many working people are struggling with the infamous ''blue screen of death'' an any give moment of any day!)

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

A settlement that would suitably punish Microsoft and also remedy that harm that they have done would be to require them to place the source code for all of their operating systems under the General Public License and make it freely available to those who can make it into a productive solution to workplace needs.

Thank you for considering my remarks.

MTC–00019041

From: Robert Maxwell Case
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

Dear Sirs:

I'm a software developer with a cutting edge product that I fear could be ''embraced and extended'' by Microsoft along the lines of the Netscape scenario. I was a user of the Mosaic browser and switched to Netscape as soon as it was released. Although I never paid the $39 price for the ''stable'' version, I was fully prepared to do so as it was so much better. I also had communication with the Mosaic browser development team prior to Microsoft's licensing of their technology. I was online the day Microsoft announced that Internet Explorer (Mosaic) would now be free, forcing Netscape to abandon charging for their product. I was angered at once because Microsoft used its monopoly position in operating systems and ability to ''write off'' development costs to so obviously subvert a competitor with a superior product. As a result, Netscape could not maintain market share and eventually was sold.

Am I and countless other developers to infer from the apparent ''slap-on-the-wrist'' settlement that Microsoft merrily may continue to operate in this fashion in the future, depriving us of remuneration for our development efforts? I've read that DOS, Excel, Word, Internet Explorer, Outlook Express and other Microsoft products were all developed not at Microsoft, but by independent developers. It is clear to me that Microsoft is not an innovator but an exploiter.

To my mind, the best remedy going forward is something akin to two children sharing a piece of cake: one cuts and the other chooses. In a timely fashion, Microsoft should choose which business it wants to be in: operating system software or application software, and then divest themselves of the business not chosen.

Sincerely,
Robert Maxwell Case

MTC–00019042

From: Paul Reynolds
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.] Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Paul Reynolds
950 High School Way, #3227
Mountain View, CA 94041

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I work for a company that produces software which operates on multiple platforms including Windows, and am also an end-user of several Microsoft Operating Systems, Middleware and Applications both at work and at home.

The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''.

Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their

anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them.

Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition.

Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another—for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy.

Structural Remedy: The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:- Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN, Hotmail etc). Microsoft continually use their monopoly position in each of these sections to dominate others— and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and 'lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies.

It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation: In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS competitors.

Applications Barrier to Entry: Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways: By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only. Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents.

Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs.

Forced Upgrades Must be Stopped: MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above. To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications.

Prohibiting practices towards OEMs: In addition to current restrictions in the Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS. The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected 'groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products. Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas.

Enforcement: MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy.

Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the

future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

Paul Reynolds
Senior Research Engineer
Weidlinger Associates, Inc.
4410 E1 Camino Real, Ste. 110,
Los Altos, CA 94022
Tel: 650 949 3011 Ext. 143
Fax: 650 949 5735
e-mail: reynolds@ca.wai.com

MTC–00019043

From: Elijah Menifee
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

I believe that the proposed settlement will NOT solve the problems arising from Microsoft's monopoly. The proposed settlement does not take into account ISVs working on competing Operating Systems that would be interoperable with Microsoft Products. In sectins III.D. and III.E. of the PFJ the api information that microsoft would be required to release uses ''for the sole purpose of interoperating with a Windows Operating System Product''. This does not allow ISVs to use the released information to write a more secure Operating System to run Microsoft Middleware/Microsoft Applications on. This only allows competion in the Application/Middleware market, leaving Microsoft a Monopoly in the Operating System Product market. I think many of Microsoft's product offerings are good products, such as the Office suite. I however do not currently use such products because I personally find that the Microsoft Operating System is not flexable or secure enough for my day to day work. One ISV that I am aware of(Lindows.com, Inc.) is attempting to write a competing Operating System, that would allow me to run the Mircrosoft Office on a more flexable and secure OS. The PFJ as it stands would specifically exclude them from using the microsoft released APIs to interoperate with the Windows Application Products that I would like to use. In my opinion the PFJ needs to be modified to exclude the clause ''for the sole purpose of interoperating with a Windows Operating System Product'', and replaced with a phrase similar to ''for the purpose of interoperating with a Microsoft Product''.

Elijah C. Menifee
Software Engineer
da Vinci Network Services LLC

MTC–00019044

From: Ted Coolidge
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement

To all concerned, I find the proposed terms of the settelment unsatisfactory. Considering that Microsoft has been found GUILTY on several counts, I expect substantial remedies. Your proposed settlement does not constitute a remedy, im my opinion. Microsoft has demonstrated a will to ''bend'', and even ignore the law in the past. In light of these repeated offenses, a more serious remedy is in order.

Thank you for your consideration,
Theodore Coolidge
23 Bay State Road
Worcester MA 01606
Registered voter!

MTC–00019045

From: Ian L. Kaplan
To: Microsoft ATR
Date: 1/23/02 6:33pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Justice Department

Dear Ms. Hesse:

I am writing to you to urge the Justice Department not to settle the anti-trust law suit with Microsoft.

I am a software engineer with over twenty years of experience. I currently work for a financial trading company working on trading software. So when I write that I strongly believe that Microsoft is a major anti-competitive force in my industry, I am writing to you without direct financial interest in the out come of the law suit. I world like to see a software industry where there are more diverse software choices. A vigorous pursuit of the anti-trust suit against Microsoft will produce this result.

I could write at length discussing how Microsoft's past actions and current undertakings strangle competition through their sheer size in the market place. But given the number of e-mails I'm sure you will get on this topic, such a long missive would probably be out of place. I would be happy to comment at some future date if it would be of interest to the Justice Department.

Rather than go on at length I will simply request again that the US Justice Department not settle their anti-trust case with Microsoft.

Thank you for your time.

Yours,
Ian Kaplan
iank@bearcave.com
P.O. Box 215
Tesuque, NM 87574

MTC–00019046

From: Gary Von Colln
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to express my opinion on the Proposed Final Judgment in the Microsoft Antitrust case. I believe that the Proposed Final Judgment is not just and the USDOJ should reject it. My reasons for this belief can be summarized as:

1. It does not do enough to punish Microsoft.

2. It does not do enough to promote competition against the Microsoft monopoly in operating systems and application programs. I would like to see a remedy that did more to ensure that the entire Microsoft Windows API is fully documented for anyone who is interested in it. This should also apply to all file formats used by Microsoft programs (Windows, Word, Excel, etc). Because of Microsoft's dominant position in the market and its anticompetitive practices, all Windows APIs and all Microsoft file formats should be considered open standards. Microsoft should be allowed to add to and extend these standards, but all additions and extensions must be openly documented in a timely manner. There must be no hidden or secret APIs or file formats that only Microsoft or its partners are able to use. We must do this in order to promote competition in operating systems and applications. From what I've read about it, the existing settlement is too limited and full of loopholes to be effective in this regard. For example, it does not stipulate that Microsoft publish its file formats.

The success of the Internet is a good example of the societal benefits that come from open software standards. Although my familiarity with this case is limited to what I've heard/read in the media, I feel that my 15 years of experience as a software engineer in the computer industry gives me a good basis for understanding at least the technical issues involved in this case.

Thanks for hearing my opinion.
Gary Von Colln

MTC–00019047

From: Jonathan A. George
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement
Microsoft Monopoly Conduct Remedies—
Mitigation Concerns

Ladies and Gentlemen:

This case demands firm guarantees protecting Free Market competition from classic supression by monopolistic opportunism. In other words:

1. As an existing monopoly Microsoft should be prevented from making exclusionary or secret contracts with customers. These contracts only serve to perpetuate unfair monopolization of market competition and supression of alternate sources of innovation. Today it is virtually impossible to buy a commodity PC from even one of the dominent vendors with a non-Microsoft Operating System without the unit cost of the Microsoft Operating system being included. Futhermore, Microsoft licenses even prevent selling a machine with their Operating System co-installed by the PC vendor even when all normal licencing costs have been paid.

2. As an existing monopoly of Office Application and Operating Systems Microsoft should be required to publish comprehensive interface documentation on the standards their monopoly has created.

This documentation is needed for both commercial and non-commercial entities to be able to write competitive software able to run ''MS-Windows'' software (i.e. Linux+Wine) or manage ''MS-Windows'' networks (i.e. Linux+Samba). Leaving the door open for fees, delays, or restrictive licenses on this important information is a crushing blow to the struggling attempts to develop even limited options for consumers in the hope of re-invigorating Free Market competition.

In the American Democracy we ask our Government and Judiciary to protect our freedoms and opportunities, and I hope that the lure of autocratic wealth and power don't outweigh in interests of the people.

Sincerely,
Jonathan A. George
12310 Bar-X Drive
Austin, TX 78727
United States of America

MTC–00019048

From: Robert Edwards
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to protest the proposed settlement of the United States vs. Microsoft antitrust lawsuit. It is my understanding that by Section III(J)(2), not-for-profit organizations are not considered in the settlement, as they are not considered businesses by Microsoft's criteria. But as I'm sure you are aware, internal Microsoft documents indicate that Microsoft feels that some of its bigger threats come from open-source projects such as GNU/Linux and SAMBA. To allow Microsoft to shut out projects such as these effectively limits Microsoft's competition and increase its market dominance, which clearly flies in the face of the goals of the antitrust lawsuit. Furthermore, many for-profit organizations which I am sure Microsoft would consider businesses, such as Red Hat, are value-added resellers of what are at root open-source projects. Section III(J)(2) would unduly harm these businesses, further limiting Microsoft's competition.

Thank you for your consideration in this matter, and I hope that you find it within yourself to reject Microsoft's self-serving settlement proposal.

Sincerely,
Robert Edwards

MTC–00019049

From: [nemesis]—(ryan underwood)
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

Dear Sirs,

I believe the proposed Microsoft antitrust settlement is a bad idea. Without providing proper motivation for Microsoft to alter its business practices, the same crimes that got it into trouble in the first place will just continue to happen. The proposed punishment is not strict enough, and has some possible consequences that severely undermine it. Please reconsider. Thank you.

Ryan Underwood
4 Oak Hollow Drive
Saint Peters MO 63376
nemesis@icequake.net

MTC–00019050

From: Kenny Pearce
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

To whom it may concern:

With regard to the proposed settlement of the Microsoft anti-trust case and the period of public comment required under the Tunney Act, I believe that the current proposition fails to address many issues in Microsoft's conduct. I would like to draw your attention to one such issue which, in addition to failing to be addressed by the proposed settlement was, to my knowledge, never addressed in court at all.

Microsoft's license for it's Windows operating system prevents PC manufacturers from utilizing a capability of many pieces of software, including LILO, the LInux LOader, which is called ''dual-boot''. This allows a PC to have two operating systems installed, and then ask the user which to use on startup. At one point, Microsoft threatened to revoke it's license agreement with certain PC manufacturers who sold computers pre-installed with a dual-boot between MS Windows and BeOS. This stifles competition in the operating system market terribly, and is probably part of the cause of BeOS's demise as a PC operating system.

Additionally, many users of the Linux operating system on PCs use dual-boot technology to allow them to use Windows programs natively, as emulation is very slow on some systems, and does not work with all MS Windows programs. If manufacturers were allowed to sell dual-booting machines with Windows and Linux it would greatly encourage users who are discouraged by the Linux's reputaton of being difficult to install to try using it, increasing Linux's ability to compete. This would also allow companies to make a profit in the sale of pre-installed Linux PCs, which many believe is currently impossible.

Because of Microsoft's actions, users who today wish to use Linux on a PC must buy what Microsoft terms a ''naked PC'', that is, one without any operating software, or else pay for an expensive ($100) license from Microsoft which will never be used. In the case of so-called ''naked PCs'', such systems are difficult to find and Microsoft is reputed to have offered computer retailers ''incentives'' for reporting the personal information of purchasers of these systems. Ostensibly, Microsoft believes that the only valid reason for purchasing a computer without an operating system would be to install one illegally in violation of the license agreement. Obviously, this is not the case and most likely these actions by Microsoft are intended to stifle the possible competitor they see in Linux.

Please consider these issues in your upcoming decision.

Thank you,
Kenny Pearce
(www.kennypearce.net)
(quantum.kennypearce.net)

''We are all slaves. Freedom is merely the right to choose your master.''

MTC–00019051

From: Jerome Krough
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

The proposed DOJ / microsoft settlement is mind numbingly biased towards microsoft. I had assumed that penalty meant some sort of punishment, judging from the proposed settlement microsoft has redefined penalty via their dictionary and wordprocessor. I wish to have the freedom to choose the software I wish to use not software I am forced to use because some pissant from Redmond, WA thinks he knows what is best for me.

Sincerely,
Jerome D. Krough

MTC–00019052

From: richard
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

I am worried about the following provisions of the proposed final judgement:

III. Prohibited Conduct A. Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating:

1. developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or

Specifically, the word ''retaliate'' leaves some wiggle room for Microsoft and is not defined in the terms listed at the bottom of the PFJ. My Webster's Unabridged dictionary (1996) says that retaliate means ''To return the like for; to repay or requite by an act of the same kind; ''. Would, I don't know, buying the offending company, and firing everyone in it, be considered a retaliation, in the strict, dictionary sense of the word? Nope. And that's how Microsoft will read it too. As long as they do something else bad, that is not ''an act of the same kind'', they are free and clear to continue their monopolistic controls. This one word, really guts all of section III in regard to OEM's and ISV's (where retaliate is used again). This is nitpicking. But this is Microsoft, and nitpicking is all I have.

Thank you for your time,
Richard Still
richard@oakbox.com

MTC–00019053

From: Will Dinyes
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

The settlement proposed for the Microsoft Anti-Trust case does little to prevent further

transgressions. I find it laughable that one of the proposed measures does not stipulate that the federal government itself cease use of products manufactured by a convicted monopoly unless said monopoly is disbanded. The government has in the past been able to effective disband a monopoly. Bell telephone and Standard Oil come to mind. The primary recourse that I would like to see is that, at the very least, Microsoft be prevented from purchasing or maintaining a controlling interest in any other company for a period of 10 years. Force them to license or develop technology as many other companies, such as Apple Computer, now do. Make them stand on their own merits, rather than allow them to continue to conscript the work done by other innovators in technology. Microsoft's tentacles reach well beyond the computer desktop. Many other enterprises are now being actively attacked by Microsoft, including video game consoles, internet service providers, and various forms of media delivery.

I fear that the only possible way to prevent further anti-trust activities is to revoke Microsoft's charter entirely, seize the company's assets and redistribute them to companies working in the individual sectors of technology that have been irrevocably harmed by the actions that Microsoft has taken. This is, after all, what we do to other convicted felons. Microsoft's debt to society must be paid somehow. The proposed settlement does not do enough.

William F. Dinyes
6814 N. 10th Ave.
Phoenix, AZ

MTC–00019054

From: George Chong
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

I vehemently oppose the settlement proposal with Microsoft.

George Chong

MTC–00019055

From: JWard
To: Microsoft ATR
Date: 1/23/02 6:37pm
Subject: Microsoft Settlement

Dear DOJ,

The current DOJ settlement is a bad idea. Microsoft needs real punishment! I frequently use computer applications in my duties as an Electrical Engineer. Microsofts Windows software has not improved much through the years. I have witnessed through the use of Microsoft's software how minipulative and anti-competitive their products are. The citizens of the U.S. need real software competition now. I am tired of losing control of my computer with each passing year.

thank you,
J. J. Ward

MTC–00019056

From: J.C.
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Jason Christopher
Pittsburgh, PA

MTC–00019057

From: Phil Budne
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

As a software professional of 20 years I STRONGLY object to the proposed settlement in the Microsoft antritrust cast. Microsoft's predatory practices have been ruinous for software industry creativity and reliability. Microsoft has effectively squelched competition in most markets it has entered. I do not believe the settlement contains penalties or remedies commensurate with the level of anti-competitive activity carried out by Microsoft.

Particular points:

Microsoft's current ''middleware'' efforts (Microsoft.NET and C#) do not seem to be covered at all by the agreement.

The definition of ''Windows Operating System Product'' seems to omit important Microsoft products.

Microsoft continues to include licencing terms on it's software components which are clearly meant to suppress the emergence of Operating Systems or Middleware that might compete.

MTC–00019059

From: Matt Kazmierski
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

the proposed settlement is a bad idea

MTC–00019060

From: Marc Campbell
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

I object to the current settlement. Reason: The current settlement is not sufficient to prevent Microsoft from maintaining and extending its monopoly through illegal practices such as predatory pricing and predatory bundling.

Marc
Marc Campbell
Predixis, CEO
2031 S. Myrtle Ave.
Monrovia, CA 91016
626–256–3680

MTC–00019061

From: Homer Bartlett
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

Why on earth would you believe that this time they're going to abide by the agreement they've signed when they didn't abide by the last one? This settlement agreement, even if they abide by it, leaves much of the enforcement to Microsoft, as in section III(J)(2): ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' Which means that if Microsoft doesn't consider a particular software company a ''authentic'' or ''viable'' business, they have the power to withhold the information that business needs to make their software work with Microsoft's operating system, effectively crushing them.

Please reconsider this settlement and make sure it has some teeth.

Thank you for your time.
Homer Bartlett
homer@homerbartlett.net
www.homerbartlett.net

MTC–00019062

From: Wehser, Sven
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I think in view of the findings of the court the proposed settlement agreement is totally insufficient. It has found that MS has repeatedly misused its monopoly in order to hinder competition. The victim is the user who has to pay higher prices and suffer products that are filled with flaws because as a monopoly there is no compelling reason for MS to make really reliable products.

I think it would be more than shameful to let MS get away with its conduct with such a lame settlement agreement.

Sven Wehser

MTC–00019063

From: Matt Ross
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Just wanted you to know, I think the Microsoft settelment in it's current form is a bad idea.

Matt

MTC–00019064

From: Brian Downey
To: Microsoft ATR
Date: 1/23/02 6:37pm
Subject: Microsoft Settlement

I think the Microsoft Settlement as it is is certainly a bad idea. Currently, I think the settlement would allow Microsoft to continue to expand their monopoly, and doesn't offer any real solutions from preventing the company from doing the same in the future. I think any anti-trust settlement should be effective enough to allow other companies in the same sector a fair chance at competition,

and the current settlement as it stands does not allow for this. I'd be glad to elaborate if required.

Thanks,
Brian Downey
734–805–7797
Redford, Michigan
bdowne01@mac.com

MTC–00019065

From: Glen
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

To Whom it May Concern,

Considering the original findings of fact by Hon. Judge Jackson, the current proposed measures against Microsoft Corp. actually do extremely little to correct the problem at hand: Microsoft Corporation has illegally built and maintained a monopoly on computer operating systems.

The proposed measures cannot hope to stem Microsoft's aggressive tactics. Please consider an end to the monopoly when redrafting the measures to be taken.

Thank you,
Glen Canaday
Clearwater, FL

MTC–00019066

From: Brian J. Brondel
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

I'm writing to express my disapproval for the proposed settlement for the antitrust case against Microsoft. The settlement is totally inadequate and completely incongruous with the magnitude Microsoft's illegal actions outlined in the Court of Appeals ruling.

The Appeals ruling calls for a remedy that will ''unfetter a market from anticompetitive conduct'', ''terminate the illegal monopoly'', ''deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). The Proposed Final Judgement fails in all these respects. It fails to significantly impact Microsoft's behavior because of considerable exceptions, unnecessarily narrow definitions, and generally incomplete conduct remedies. Microsoft will easily circumvent the terms of the Proposed Judgement as it is currently written, to continue its illegal practices and harm the free market.

I am further disturbed by the lack of any penalties for Microsoft's actions in the past. If you count up the extra profits Microsoft has garnered from its ill-gotten market share over the sales history of Windows, you find that Microsoft has acquired some $3–8 billion through its violation of the Sherman Antitrust Act. Clearly, even after expenses from court and remedies, Microsoft's offenses were remarkably profitable, while Microsoft's prosecutors suffered great expense in seeking out justice. Should Microsoft be allowed to profit at the United States'' expense, and at the expense of their laws? pOnce again, I'm very disappointed by the lack of force in the Proposed Final Judgement. I urge you to carefully review and modify the terms of the settlement before proceeding. For a more complete analysis of the Proposed Judgement, I refer you to Dan Kegel's ''On the Proposed Final Judgment in United States v. Microsoft.'' I'm certain that we can arrive at a settlement that's both effective and fair.

Brian J. Brondel

''America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.''
—Abraham Lincoln

MTC–00019067

From: Bert Han
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

The currently proposed settlement restricts free trade. A true sign of monopolistic practices, is when companies no longer have to innovate, and force consumers to use products which lack quality.

Microsoft's products consistantly are released in poor condition. The only time where Microsoft has to innovate is when they are under direct competition. And to help them win, they'll use illegal procedures to thwart their competitors. If you'll notice, after they ''win'' their products will start to, well, suck. pIf America is to truly stay ahead of the economic market, we need innovation, not bloated, anticompetitive actions. It won't help us to compete with emerging markets.

Bert Han

p.s. i update my webpage by wednesday every week. the address is http://www.geocities.com/berthan26

MTC–00019068

From: David Lannan
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
David Lannan
Programmer
Pandemic Studios
Unit 14/23 James Street
Fortitude Valley
QLD 4006
ph. 3253 3381 × 21
www.pandemicstudios.com

MTC–00019069

From: John Dougan
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Dear Sirs,

I write you to add my voice to the those opposing the current settlement proposal. As near as I can tell, it will have no perceptible effect on Microsoft's behavior, and violates the principles of transparency which are paramount in the Justice system. ''Justice must not only be done, but it should be seen to be done.''

The object of the settlement should be to reduce or eliminate the occurance of illegal monopolistic behavior on the part of Microsoft, which should then make it possible for other corporations to enter the market without being blasted by the MS monopoly. The current proposal seems to be putting the cart before the horse, enforcing actions which should be the result of improved behavior by Microsoft. By being overly specific, this proposal leaves far too much room for Microsoft to engage in new infringing behavior.

The proposal also lets's Microsoft decide too many of the later details, such as the terms of the agreements the TC (Technical Comittee) has to sign, and the definition of a protoco (See the SAMBA projects objectionsfor details). This is an open invitation to Microsoft, who has abused such loopholes before.

The TC should be allowed to discuss the Committees actions with the public, without revealing MS trade secrets. However what constitutes an MS trade secret should be decided by a third party or the Trade Secrets acts and subjected to scrutiny.

What I would like to see as a result of this proceedings is a Microsoft competing on a leveled playing field. I don't want to see the company destroyed, though breaking it up into viable pieces would not bother me. Four pieces come to mind: Applications including the web browser, Services, Operating Systems, and Hardware. But that is incidental. Please reconsider this dangerously flawed proposal.

Regards,
—john dougan
CC:jdougan@acm.org@inetgw

MTC–00019070

From: Michael W. Wernicki
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Hello,

Microsoft has a stranglehold on the US software market. Unless the government takes the appropriate action, the US citizen will end up paying to a monopoly, Microsoft. Please, don't allow this to happen.

Michael W. Wernicki
492 Liberty Avenue
Jersey City, NJ 07307

MTC–00019071

From: fisherh@rap.ucar.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the recent Microsoft case is not sufficient. Particularly in regards to the OEM part of the settlement.

I believe that OEM's should be able to put any OS they like on computers they sell without fear of reprisal from any company Microsoft or others. This should apply to OEMs of any size and Microsoft should not be able to ''kickback'' discounts to OEMs based on volumes of other Microsoft products sold.

Thank you for your time.
Hank Fisher Software Engineer
fisherh@dimensional.com

MTC–00019072

From: Mark E. Nottage
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Please do not allow the miscarriage of justice that is represented by the proposed final judgement in the United States vs. Microsoft anti-trust to pass without modification.

There are numerous technical loopholes in the restrictions that would be placed on Microsoft under said agreement. Additionally, there are numerous anti-competitive practices that Microsoft would be given carte blanche to continue as they please.

Mark E. Nottage
Berkeley, CA

MTC–00019073

From: Tom Zacharoff
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

The Proposed Final Judgment is NOT in the public interest

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

For further clarification, please read this:
http://www.kegel.com/remedy/remedy2.html

MTC–00019074

From: Mitch Kornelis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Microsoft has willfully committed monopolistic practices in the computer software industry. They have such a stronghold on the industry now that they can freely do as they choose. They have no competition left. Microsoft needs to be punished and not lightly.

Thank you.
M. Kornelis

MTC–00019075

From: Scott Lindsey
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I'm writing in oposition to the proposed settlement of the Microsoft antitrust case.

I do not believe that said settlement sufficiently redresses Microsoft's past abuse of its monopoly position, nor that it will prevent future abuses of that position.

Scott Lindsey
1517 SE Maple Ave
Portland OR 97214

MTC–00019076

From: Timothy Smith
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

I truly believe that the proposed DOJ settlement with Microsoft is flawed and cannot bring about an acceptable resolution of Microsoft's monopoly position in the computer software market.

Sincerly,
Timothy L Smith
13703 74th Ave N
Maple Grove, MN 55311

MTC–00019077

From: Eric Ludlum
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my great dissatisfaction with the proposed settlement of the United States vs. Microsoft antitrust lawsuit. The settlement neither restores balance to the markets which Microsoft has illegally monopolized over the past 20 years nor imposes punitive measures commensurate to the public cost of the company's criminal activities.

Only by striving to achieve the following goals will the settlement serve justice:

1. The disassembly of Microsoft's ability to dominate markets through its command of the computer desktop.

2. The return of illegally gained profits to the affected markets and their participants—to Microsoft's consumers and competitors.

I encourage those dealing with this matter on the behalf of the United States of America to re-consider the settlement, to have strength and fight harder for what is right.

Thank you for your time in considering my input,

Eric Ludlum
President Core77, Inc.
http://www.core77.com

MTC–00019078

From: scott_dylewski@agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

My comments about the proposed Microsoft settlement:

I'm deeply conserned about the powers Microsoft has to force America and the world to use its software and protocols within its operating system. I feel that the only way to allow other operating systems and software to compete with Microsoft is to severely restrict the ability of Microsoft operating systems to force/influence users to also use other Microsoft software. The law must be clear in dictating this so that there is no way to skirt around the imposed settlement. The only good solution that I have heard that would achieve this consumer-friendly settlement is a split of the company into two

separate companies. It is very important to note that this would NOT have a large financial impact on Microsoft (certainly no more than the gains Microsoft has made through its monopoly already), and would still allow both the operating systems and applications divisions of Microsoft to ''innovate'' independently. Of course, this simple settlement would give all companies access to the same Microsoft operating system information that the future Microsoft applications divisions would have, thereby allowing all companies to compete more fairly to create the best products.

Thank you- I strongly recommend a split of Microsoft's operating systems and applications divisions.

Scott Dylewski, Ph.D.
Networking Solutions Division
Agilent Technologies
Phone: (408) 435–4085
scott_dylewski@agilent.com
3036 Warrington Ave
San Jose, CA 95127
scott@dylewski.com

MTC–00019079

From: Sam Kerner
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement.

Dear Sir or Madam,

I am writing to express my disappointment in the proposed outcome of the US DOJ's case against microsoft. I do not see how the proposed settlement solves the problem of microsoft's flagrant abuses of it's monopoly power. Specifically, I believe a panel of people monitoring microsoft's behavior will be of no consequence. Microsoft entered a consent decree that was supposed to curtail it's behavior, but it was ignored. They have shown that if they wish to violate an agreement with the DOJ, they are willing to go to court to get out of complying with it. What makes anyone think they will not do the same thing if the monitoring panel's judgment is not to their liking?

For the DOJ to have taken this case to the point where microsoft has been found guilty and then settle with a remedy that is as weak as the one proposed is shameful. An effective remedy would have meant unprecedented opportunity for the computer industry, as companies would no longer be forced to comply with microsoft's anti-competitive contracts and undocumented APIs. If this settlement goes through, the computer industry will continue to be in the doldrums, and brilliant ideas that could have made our lives better and our economy stronger will continue to be crushed by the anticompetitive steamroller that is an unfettered monopolist, made more bold and dangerous by the knowledge that the laws of the united states do not apply to it.

Sam Kerner

MTC–00019080

From: Matei Ripeanu
To: Microsoft ATR
Date: 1/23/02 6:39pm
Subject: FW: [CS] Last day to influence MS case: Monday morning 28 Jan

i DO NOT LIKE THE SETTLEMENT. BE TOUGH!

-MATEI

MTC–00019081

From: Jeff Wilson
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

It is my opinion that the proposed settlement is in the best interest of all parties concerned. The proposed settlement deals with the pertinent issues in a way that allows Microsoft to continue as a viable business entity, while allowing others the opportunity to compete. More stringent penalties would not maintain that balance, and would injure the public without means to repair that damage.

Jeffrey Wilson
909 Buckboard Blvd.
Papillion, Ne 68046

MTC–00019082

From: Max Kushner
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. It is not fair to those Microsoft has injured and it does little to remedy the situation.

Max Kushner

MTC–00019083

From: Jeff Davis
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the Proposed Final Judgement in the Microsoft anti-trust case.

The current judgement calls for very limited restriction of Microsoft's actions, actions which are the subject of the suit and which have been found to be in violation of US anti-trust law by a federal district court and a federal appeals court.

Those actions have severely hindered competition in the computer software industry. Any settlement must aggressively address the reestablishment of competition in this important and crippled industry.

The keys to software competition are the API's and file formats used by Windows operating systems and productivity software. Without access to those sources of Microsoft's monolopoly, other companies cannot effectively compete.

A settlement which restores competition to computer software will be concerned primarily with:

* enforcing equal and open access to the W32 APIs and Microsoft Office file formats (standardization, publishing, and documentation)

* and the right of competitors to sell compatible operating system and productivity products based on those APIs and file formats.

A secondary concern with the PFJ is language which addresses competing ''commercial'' vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Finally, it is appropriate that the company be pushed for its illegal activity with fines. Fines should be set as a reasonable percentage of Microsoft profit for the period since the company violated its prior consent decree with the court to the present.

Thank you for considering my concerns,

Jeffrey Davis, Electronic Resources Librarian
San Diego Public Library
(619) 238–6613
jdavis@adnc.com

MTC–00019084

From:
mrcpu@ntemail.internetcds.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Proposed settlement stinks.

MTC–00019085

From: Suresh Bazaj
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I would like to share with you my experience in dealing with Microsoft products for the last 20 years. My first experience with Microsoft products was in the early 80's when I purchased a Radio Shack PC with DOS. Overall, it was an OK product until I purchased my first Apple Macintosh in 1985. What a world of difference. For the next 11 years (until 1996), I only purchased Apple Macintosh due to its ease of use. I still remember when I bought the first Macintosh Performa for my 11 year old in 1995. We got home from the store around 10 PM. I was tired, yet my son insisted that I help him unpack and set the computer on his desk. He took care of the rest and had fun with it for many hours while I was sound asleep. My children used the computer for more than 5 years.

Unfortunately, my options to buy anything but Microsoft were severely restricted as the 90's rolled along. So, I finally broke down and bought a Windows ''98 PC in 1999. I was glad that I did not have to live through the torture of going through many versions of Windows (1.x, 2.x, 3.x, Windows ''95 and then Windows ''98). While it does not do everything that I can do on a Macintosh, it has been a reasonably stable system.

So, I now have 3 WIN ''98 laptops and one WIN ''98 desktop in my household—essentially every member of the house has his/her own PC. We are all reasonably OK with and are able to do most of what we need to do. However, here is my FRUSTRATION. As a monopoly, Microsoft feels that it can whip out a new product whenever it wants to and stop supporting the existing product. Since I bought my first WIN ''98 PC, there has been WIN 2000 (several versions of it), WINDOWS ME (in 2001) and now WINDOWS XP (in 2002). Most (if not all) these new products require new hardware

and often new application software, in addition to the new Operating System. Well, I just cannot afford to throw fully functional and useful machines in the trash can every year. How would you feel if the plumbing and electricity industry followed the same model. You have a leaky faucet or fused bulb. Well, you better upgrade to entirely new plumbing and electrical system in the house since last years model is no longer in production and supported. I hope you get the point. I urge to reject the DOJ settlement that does not do anything to foster competition and help the consumers.

Respectfully,
Suresh C. Bazaj
40792 Tirso Street
Fremont CA 94539

MTC–00019086

From: Michael J. Hauan
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement

Just my two cents—

I am a physician, an ethicist, and an informaticist. I welcomed the courts'' conclusion that Microsoft has abused its monopoly position.

I am dismayed that the Justice Department is not using the clear conclusions of law to take substantive steps in protecting both all consumers and producers of potentially competitive products. In particular, the proposed settlement provides inadequate recourse for those (e.g., in open-source software development projects) that Microsoft doesn't consider legitimate businesses. It seems Microsoft can refuse them access to APIs and other important operating system information on its own recognizance. Given their record of flagrant violation of both the spirit and letter of the law, this is indefensible.

I oppose the proposed settlement vehemently.

Sincerely,
Michael J. Hauan, MD, MPH, MTS, MA

MTC–00019087

From: Grunloh, Robert
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:47pm
Subject: Microsoft Settlement

I believe the proposed DOJ settlement with Microsoft is essentially a sellout, and would urge the Court to toss it out and follow some of the recommendations of the 9 remaining States.

I've worked in the computer field for 10 years, starting as a supporter of Microsoft and gradually becoming disenchanted as I saw them stifle, control, buy, or kill numerous innovative products and technologies over the years. Working in this field under Microsoft's growing control of all software, indirectly much hardware, and soon all access points to the Internet (our present-day ''commons'') is increasingly oppressive. They are like a cancer, wanting control, growth and marketshare at all costs, yet producing only the minimal bland product in return. Publicly-funded agencies each year funnel millions of dollars to them because they have no good alternatives, and MS software is licensed at higher cost, and more restrictively, each year even as hardware gets cheaper and cheaper (there is competition in the hardware business, still).

Please enforce the law and give them a meaningful punishment. Look back to their skill at finding loopholes in the first consent agreement under Judge Sporkin, and then take a fresh look at the current proposal.

Thanks.
Robert Grunloh
Digital Library Initiatives Group,
University of Arizona Library
Tucson, Arizona
(520) 621–2502
speaking for myself, not my employer

MTC–00019088

From: tom@roonetworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

I am absolutely against the Microsoft Antitrust case settlement. It is not even a wrist slap to biggest antitrust violator of our time! More likely, it is an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace. Please do the right thing and reconsider this proposed settlement. —-

Tom Robinson
tom@roonetworks.com

MTC–00019089

From: TRUassayist1@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Microsoft has refused to allow the application Office to be used on the Linux operating system.

Microsoft knows that this application is dominant and by refusing to allow this application to be ported to Linux knows that the persons needing this application are prevented from using the Linus operating system. Microsoft is convicted of being a monopolist. Punishment should be exacted. Requiring that the Office application be ported to Linux is a means of divesting Microsoft from their monopoly on the desktop tied to their operating system.

Please join the states that have ask of Microsoft to port the Office application to Linux and make this a condition of the settlement.

Steven Wallace
TRUassayist1@aol.com
CC:TRUassayist1@aol.com@inetgw

MTC–00019090

From: Oded Helman
To: Microsoft ATR
Date: 1/23/02 6:39pm
Subject: Microsoft Settlement

Well I'll be short, I think that after the years os trial put into the fact that Microsoft broke the law, the settlement that was achieved is so vague that it is quite probable that that Microsoft will continue to do what they have been doing even during when the Trial was going on, and that's bullying the Computer Industry to have it their way, it's not the fact that they bundled applications with their OS, but the fact that they terrorize Hardware Manufactures and even competing platforms (i.e. Apple) to include their software and not include other software which might be better or face the punishment of not getting Microsoft software at all. For example Microsoft threatening Apple to include only Internet Explorer and not Netscape Communicator or Microsoft will stop developing Office for the Mac. Another example is that Apple uses their OS power to make 3rd party Apps to malfunction, for example competing apps to Office which Microsoft even have a bigger monopoly then in the OS business, or causing Quicktime to malfunction so people will use Windows Media Player and the list goes on.

I don't know what is the right answer, maybe splitting the company to 2, 3, more other companies which are not allowed to have the same Executives, board of directors and main share holders is the answer, maybe the answer is not allowing by law to Microsoft executives, to be a part of Microsoft anymore, make them sell all their stock and they are not to be allowed to work for the Company, maybe the solution is to not allow the Microsoft Executives to be part of the Computer Industry world anymore... what I am sure of that the settlement that says Microsoft promises to behave and not to be punished is not the answer, because if that will be the case we will be back at this point in 5–10 years.

MTC–00019091

From: Kiani, Tal
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

No to the proposed settlement! The public will not be served if one company is allowed to have total control over our information infrastructure.

The current proposal for the Microsoft settlement will not prevent Microsoft from staying a monopoly in the computer industry and from continuing to abuse and extend this monopoly. Quite simply, the punishment is not economically severe enough for it to affect Microsoft's behavior.

There is no incentive for them to change the behaviors that led to the court's conclusion in the Findings of Fact that they have abused their monopoly powers and have ignored the previous remedies from the earlier Consent Decree. They will most likely ignore or circumvent the presently proposed settlement because it will be cheaper for them in the long run to litigate for years and then settle with the government once their competitors have been unfairly driven out of business and they have expanded their monopoly into new areas. Please note that this is not conjecture-this is exactly what they did after the last Consent Decree!

Frankly, its hard to blame Microsoft for choosing this route because it makes the most economic sense—it is up to the government to fashion a remedy that addresses past harm and penalizes Microsoft severely enough for past wrongs so that it will make economic sense for Microsoft to behave properly in the future—the threat of severe punishment will outweigh the potential gain from abusing their monopoly powers.

A proper remedy should force Microsoft to release their file formats for Office and Internet Explorer because these are now

industry standards, as well as require them to releases source code and protocols that will allow other companies to compete with them. Additionally there must be substantial financial penalties imposed (think 10's of Billions of dollars) in order to redress past financial harm they have caused to many companies in the industry. Anything less is an effect slap on the wrist, because of the 100s of billions of dollars of ill-gotten rewards they have enjoyed. If you only fine them 1 billion, they will continue with their monopolistic ways that let them make 10–100 times that- why shouldn't they? We need penalties that make a difference to Microsoft management.

The remedy will not be a simple proposition, but that should not be expected in a case of this magnitude, and of this much importance. We are all counting on you to do the right thing for the good of our society.

Thanks in advance!

Tal Kiani
DRS Sensor Systems, Inc.
3500 Torrance Blvd., Torrance, CA 90503
Phone (310) 750–3257 Fax (310) 750–3203
t_kiani@drs-sensor.com

MTC–00019092

From: Craig I. Hagan
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

I'd like to comment on the judgement I've read at http://www.usdoj.gov/atr/cases/f9400/9495.htm:

[1] While this judgement, if it had been issued some years ago, would probably have prevented the current set of problems involving microsoft and the computer industry, I don't see that this judgement will repair the damage which has been done.

[2] While this judgment addresses some issues relevant to OEMS, ISV/IHV's, IAP/ICP's and End Users, it does not address issues of critical significance to software developers.

When developing software, one must make many choices and decisions with long-lasting consequences. In general, this means that once a decision has been made it is not changed without good reason. Microsoft's unlawful actions mean that there have been good economic reasons to make development decisions which would otherwise violate good design practices.

Resolving this issue will require documentation which is not generally available (and which may not exist) about Microsoft's operating system. It will also require dealing with issues raised by existing contracts and business arrangements with respect to software development tools and development environments. It will also require dealing with changes in software oriented training and business practices—changes which have been necessary for a business to survive in the face of Microsoft's market dominance.

Software developers are the people who are technically literate in computer languages and who are responsible for creating applications which must run on an operating system. The proposed remedy does not address software development needs in supporting competitive operating systems.

Failing to address the needs of software developers means this judgement cannot remove the barriers which microsoft has put in place with its unlawful actions. As software developers provide the software which which End Users, IAP/ICP's, ISV/IHV's, and OEMS, use on an operating system, it's extremely unlikely that any of these groups will experience economic relief from this judgement.

I recommend this judgement be rejected in favor of one which will additionally provide remedies for software developers who develop software for Microsoft and/or non-Microsoft operating systems.

MTC–00019093

From: pcameron@CrescentNetworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:46pm
Subject: Comments on settlement in Microsoft antitrust case

Your Honor,

I am a computer software professional with 30 years experience. I live in Winchester MA.

The software industry has been suffering through lack of competition for a long time now. Without choice there is little need for innovation. I am very disturbed that even though many hardware companies compete to make the hardware better and less expensive. There is effectively one operating system and application software company, Microsoft, and they have become less and less willing to advance technology unless they see a competitor. They are, however, always willing to increase price by more than inflation from release to release. It is very difficult to purchase a non-Apple desktop or laptop system without also purchasing a Microsoft operating system. There is effectively no choice.

What we have now is an industry that has grown stagnant and a company, Microsoft, that has grown rich. I am sure that business and economics professionals can lay out the damage to the industry in great detail. So I won't even try.

I appeal to you to return competition to the software industry and to return the monopoly profits to the consumers. Laws have been broken and people have suffered. Please find a way to prevent further unlawful behavior and find a way to compensate victims.

I offer some ideas that I think would work.

1) Remove the current officers, executives and board of directors of Microsoft and render thier stock nonvoting. Prevent them from participating in the computing industry in any capacity for at least 5 years.

2) Divide the company into perhaps 4 new companies. Each company would be the largest in its business sector and would enjoy the strength that comes with its size. It would not, however, enjoy a monopoly in that sector:

a) Operating systems, tools and utilities (include the browser)

b) Application software—office suites etc.

c) Internet services (no software development or sales, no hardware product sales)

d) Hardware—xbox game console, keyboards, mice, internet appliances, set top boxes, etc.—products with embedded software only, no services.

3) Make all file formats and communications protocols public standards that may be implemented by anyone without royalty and do not permit future private protocols and file formats.

4) Vacate all Microsoft contracts that limit a companies ability to deal with other companies. E.g., prevents a hardware OEM from selling some systems with non-Microsoft OS or even dual boot systems or prevents a software company from porting software products to other systems.

5) Require Microsoft to rebate all their monopoly derived profit directly back to consumers. Double the amount as a damages. There is a lot at stake here. There are few opportunities to effectively deal with monopoly behavior. This is an opportunity to get competition back into the software industry and still permit an important and major corporation, Microsoft, to participate as a significant force. Everyone, even Microsoft, will win if you can reestablish competition and prevent future unlawful behavior.

With the utmost respect for yourself and our judicial system,

Most sincerely,

Philip Cameron
3 Fletcher St.
Winchester MA 01890
CC:pecameron@mediaone.net@inetgw

MTC–00019094

From: Cedar McKay
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

Please don't settle with microsoft without extracting meaningful and severe concessions. I and all other consumers have been harmed by by microsoft's brutal anticompetitive practices. Push for a harsh penalty.

John McKay
Seattle, WA

MTC–00019095

From: larry@tarot.xs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Anti-Trust Case Settlement

Your Honor,

Thank you for allowing public comment on the settlement of this case. I, as many professionals in the Silicon Valley, have been closely watching the Microsoft vs. United States anti-trust suit. I do not believe the proposed settlement goes far enough to punish Microsoft for their predatory and anti competitive behaviors.

Microsoft has shown no change in attitude or corporate policy to alter its monopolistic practices. The release of Windows XP in its current configuration is proof of their arrogance and disregard for the law. They behave as if the judgment against them has no meaning or is nothing more than an unwarranted scolding.

Before I was consultant I was an employee of General Electric and Hewlett Packard. These two companies always stressed the importance of the law and went to great lengths to insure they and their employees were not engaging in anti competitive

practices and were operating within the guidelines of the law. If there was an activity within these companies that gave the slightest outward appearance that it might be viewed as being questionable in the eyes of the law it was immediately addressed. I have been appalled at the apparent lack of any similar practice within Microsoft.

I believe the original breakup order was the correct remedy for this case. In fact it may not have gone far enough. A break up of the company into three business units, one for operating systems, one for Internet applications and the last for business applications may eventually be needed before the decade is over.

There is a saying amongst my colleagues here in Silicon Valley that summarizes the power Microsoft wields in the computing business world. ''Bring up the Windows OS and open any application, behind any button you push there is a dead company.''

Respectfully,
Lawrence C. Scheer
Owner Larry Scheer Consulting
643 Dorothy Ave.,
San Jose CA 95125
CC:larry@xs.com@inetgw

MTC–00019096

From: chun fong
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

Do not let MicroSoft get off the hook so easily. They have gained billions of dollars for selling crappy substandard software to masses who don't know anything about computing. Many companies from IBM, Apple, Sun, SGI, commodore, Be, Netscape and others have been victimized by Microsoft and Intel. Many technologies that could have been, have been shut out by Microsoft and Intel.

Don't let companies get off easily for the ''sake of technology''. Don't let consumers suffer from lack of choices just for the microsoft's ''right to innovate''. Especially when Microsoft have stiffled every competitor's innovation and resources. Microsoft has hurt everybody else in order for them to gain money, power and influence. Which is it? The sake for technology or the sake of the consumers like you and me???

CHF

MTC–00019097

From: Rick Buford
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Unless you're planning on letting all thieves run free in the street.... Rick Buford—Systems Administrator, Infrastructure

RickBuford@carfax.com
(573)875–2662 X:3015
CARFAX, Inc
409 Vandiver Columbia, MO 65202
<http://www.carfax.com/>

''I'm not sure which upsets me more: that people are so unwilling to accept responsibility for their own actions, or that they are so eager to regulate everyone else's.''—Kee Hinckley

MTC–00019098

From: Eric McGough
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Under a law known as the Tunney Act, the court is required to consider public commentary before accepting any settlement.

I would like to voice my concern this accepting this settlement is does not solve the core problem. Microsoft is a monopoly and uses its power to stifle competition.

The current settlement is un-acceptable.

Eric McGough
CEO, RandomCube, Inc.

MTC–00019099

From: Chris McKenzie
To: Microsoft ATR
Date: 1/23/02 6:53pm
Subject: Microsoft Settlement

Leave Microsoft Alone! Microsoft has done nothing but consistently produce a wonderful product and sell it at an affordable price. That is by its nature, competitive. That they GAVE AWAY an internet browser does not damage consumers—we now get for free what we once had to pay for. They offer huge discounts on their operating system licenses to retailers that only sell the Microsoft OS. Where I come from this is simply called GOOD MARKETING! This lawsuit was drummed up by ''competitors'' that want to cripple Microsoft since they are unable to compete on their own.

Sincerely,
Chris McKenzie
CC:activism@moraldefense.com@inetgw

MTC–00019100

From: Rick Bradley
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement
Mr. Rick Bradley, CTO
EastCore, Inc.
517 E. Taylor
Harlingen, TX 78550
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

As a software developer with over a decade of professional experience I am writing to comment on the Proposed Final Judgment (hereafter ''PFJ'') in the United States v. Microsoft case.

The PFJ permits Microsoft's exclusionary practices to continue, allows Microsoft to maintain its monopoly through continued protection of the substantial barrier to entry to the operating systems market for Intel-compatible computers (the ''Applications Barrier to Entry''), and allows for Microsoft's use of its customary exclusionary licensing regime to restrict the actions of OEM and independent software vendors (ISVs). This reality is in direct contrast with the intent of the PFJ, which the Court of Appeals states ''must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). Further we musk ask whether the PFJ is in the public interest.

Below I enumerate some of the many serious problems with the PFJ.

—The PFJ fails to prevent Microsoft from raising or maintaining artificial barriers (in many cases these artificial barriers have already been erected) against non-Microsoft operating systems which implement the APIs and/or middleware necessary to run application programs written for Windows. As was discussed in the Findings of Fact, competing operating systems, such as Linux with its ''Wine'' compatibility layer, could leverage an interoperable version of the Windows APIs to run software written for Windows and thereby lower the Applications Barrier to Entry.

—The PFJ omits Microsoft Office, Microsoft Outlook, Microsoft.Net and C# from the definition of ''Microsoft Middleware Product''. These are the most significant middleware components in Microsoft's stable of products. Their absence in this definition exposes a fundamental flaw in the PFJ's middleware-related provisions.

—The overly narrow PFJ definitions of ''Microsoft Middleware Product'' and ''API'' means that many important APIs would remain undocumented, thereby eliminating the ability of third parties to interoperate with software written for Windows or to compete with Windows due to the Applications Barrier to Entry.

—The PFJ includes no requirement for documentation of Microsoft file formats, which were shown in the Findings of Fact to compromise a significant part of the Applications Barrier to Entry. Microsoft regularly changes proprietary file formats making interoperability impossible and further raising the Applications Barrier to Entry for competitors.

—The PFJ does not require Microsoft to disclose which patents protect the various Windows APIs, thus making it impossible for consumers, ISVs, and competitors to determine whether a competing operating system or middleware implementation infringes Microsoft patents. This state of affairs helps Microsoft maintain the Applications Barrier to Entry.

—Under the terms of the PFJ Microsoft is allowed to retaliate against OEMs who ship Personal Computers which contain a competing Microsoft operating system but no Microsoft operating system.

—The PFJ allows Microsoft to retaliate against smaller OEMs who offer Personal Computers with competing software installed. The large body of ''white box'' OEMs, as well as other brand-name small OEMs, serve a critical function in the market for server systems where potential Microsoft competitors such as Linux and FreeBSD have the best chance of making headway.

—The PFJ fails to curb Microsoft's use of unconscionable and/or exclusionary End-User License Agreements (EULAs). Microsoft uses these EULAs to prohibit the use of certain services and applications on Microsoft-compatible operating systems.

—The PFJ does nothing to address intentional incompatibilities introduced by Microsoft to exclude competitors (e.g., Caldera) from the operating systems market.
—Under the terms of the PFJ enforcement is left to the legal system, while the Technical Committee has too little power to effectively oversee future Microsoft anti-competitive practices.
—Oversight of Microsoft practices is remanded to a small group whose makeup is at least equally determined by Microsoft. Microsoft has been found to be in violation of anti-trust law, and yet has been allowed to construct the PFJ enforcement terms to ensure that the Technical Committee will be ineffective in its oversight role. The proposal as negotiated does little to change the illegal behavior of which Microsoft has been convicted, nor does it address the multitude of anticompetitive abuses committed since the issuance of the Findings of Fact. The PFJ amounts to a wrist-slap which will fail to materially alter Microsoft's behavior, promote competition, or penalize Microsoft for past transgressions. While this proposal is fundamentally flawed, any acceptable proposal must additionally perform the following functions:
—restrict Microsoft from retaliating against all OEMs, ISVs, Internet Access Providers (IAPs), and competitors
—define operating system and middleware components in such a manner as to correspond to the reality regarding the importance of high-profile components in Microsoft's current and future plans
—require Microsoft to disclose, sufficiently in advance to allow middleware vendors and interoperators to reasonably implement necessary compatibility changes, complete documentation on Microsoft APIs, file formats, and patent protection information for all versions of the Windows operating system and all Windows middleware components
—prohibit Microsoft from implementing incompatibilities designed to keep its applications and services from being run or accessed on competing operating systems.
—provide oversight which is more transparent to regulators and consumers
—provide an oversight body which has more human and technical resources, and bar Microsoft from influencing the make-up of the body.

The Proposed Final Judgment in the United States v. Microsoft case is fundamentally flawed and does little to ''unfetter [the] market from anticompetitive conduct'', fails to terminate Microsoft's illegal monopoly, and preserves intact countless practices which will maintain and extend the Microsoft monopoly in the future.

This proposal is most definitely not in the public interest.

Sincerely,
Rick Bradley

MTC–00019101

From: David Merrill
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

Greetings,

I hold a doctorate in Computer Science, and have been deeply involved in the software industry since its very beginnings in about 1983. I have been a user of Microsoft operating systems and application software for nearly 20 years now, and I have followed the industry very closely, especially Microsoft's unscrupulous and illegal activities against competitors.

This industry used to be vibrant, exciting, and dynamic. New and innovative products entered the market constantly, and there was lively competition in all product markets. Once Microsoft started signing exclusive deals with OEMs, that market started to die, and today it exists only in the UNIX and Linux markets.

I very much appreciate that the DOJ took on antitrust proceedings against Microsoft. After watching one competitor after another run out of the market by using OEMs, APIs and protocols as weapons, I hoped that finally the company would be forced to compete solely on the merits of its software, which alone are enough for it to maintain a strong position in the market—but not a monpoly.

Unfortunately, the proposed settlement, while it does address some anticompetitive behavior, does little to stop the primary weapons which Microsoft uses. The language and definitions are so narrow in scope that they would be easy for any competent software engineer to work around. I know I certainly could, and I am sure that Microsoft has engineers equally as talented.

It has ''loophole'' written all over it. Here are just a few: There is no provision for making access to .NET and other future services open—only Windows itself. In the next generation of its software, Windows will no longer be the lynchpin, but instead will be replaced by .NET as the ''chokepoint''. Any settlement which does not include future, even currently unannounced products is insufficient. Otherwise, all it takes is a single new piece of software, upon which other software is made to rely in the most trivial way, and we're back where we started.

The only API Microsoft is force to make public is the ''Windows API'', and only that small part of the API which is used by middleware. That doesn't include many of the important parts of the API, which would be required to develop Office software, network protocols, and multimedia, such as installation routines, access to the Windows Registry, etc. There is no requirement that file formats be documented, yet they are the primary way Microsoft maintains its monopoly in Office software. This is such a glaring omission I don't understand how it could have been overlooked, but apparently it was.

There is no requirement that any information be shared with nonprofit and volunteer organizations such as the developers of Linux, even though Linux is Microsoft's strongest potential competitor. This alone is a huge, gaping loophole.

The latest versions of some Microsoft software carry EULAs (End User License Agreements) which specifically state that they cannot be run on other operating systems than Windows. Could they be more brazen? And yet there is nothing in the agreement which prevents this—nor has the DOJ addressed the issue despite its prima facie anticompetitive nature. There are dozens, perhaps hundreds, of other ways, large and small, that Microsoft threatens and bullies anyone else who tries to enter their markets, few of which are addressed in the agreement. These are but a few. A much longer list is contained in the longer document by Dan Kegel, a software engineer with as much time in the industry as I have.

I wholly endorse, support, and concur with his views, which have also been submitted for your review.

Regards,
David C. Merrill
Linux Documentation Project
Collection Editor & Coordinator
http://www.lupercalia.net
david@lupercalia.net
http://www.linuxdoc.org

MTC–00019102

From: Cinnater, William (Contractor)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:46pm
Subject: Microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
William Cinnater

MTC–00019103

From: J B
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft anti-trust case

To whom it may concern:

I would like to express my concern to you regarding the settlement with Microsoft. I feel betrayed by the government in this case. How you could completly screw up a case like this is beyond me but you did it. I hope your

prepared for the future economy via Microsoft because it is not going to be pretty.

MTC–00019104

From: Jeff Davis
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the Proposed Final Judgment in the Microsoft anti-trust case.

The current judgment calls for very limited restriction of Microsoft's actions, actions which are the subject of the suit and which have been found to be in violation of US anti-trust law by a federal district court and a federal appeals court.

Those actions have severely hindered competition in the computer software industry. Any settlement must aggressively address the reestablishment of competition in this important and crippled industry.

The keys to software competition are the API's and file formats used by Windows operating systems and productivity software. Without access to those sources of Microsoft's monopoly, other companies cannot effectively compete.

A settlement which restores competition to computer software will be concerned primarily with:

—enforcing equal and open access to the W32 APIs and Microsoft Office file formats (standardization, publishing, and documentation)
—and the right of competitors to sell compatible operating system and productivity products based on those APIs and file formats.

A secondary concern with the PFJ is language which addresses competing ''commercial'' vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Finally, it is appropriate that the company be punished for its illegal activity with fines. Fines should be set as a reasonable percentage of Microsoft profit for the period since the company violated its prior consent decree with the court to the present.

Thank you for considering my concerns,

Jeffrey Davis, Electronic Resources Librarian
San Diego Public Library
(619) 238–6613
jdavis@sandiego.gov

MTC–00019105

From: ceh@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

To Whom it May Concern,

I strongly disagree with the proposed settlement regarding the monopolistic practices of the Microsoft Corporation. It will not discourage Microsoft from further abuse of its monopoly and does nothing to protect consumers. Please find another remedy that will be able to both discourage more abuses and punish Microsoft for past offenses.

Sincerely,
Craig Hayslip

MTC–00019106

From: Jerry L. Rogers
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Please do not forget the consumer is the one who has been hurt the most. Just force Microsoft to publish all Windows API's. That will put all software publishers on a level playing field and the resulting competition will drive down prices. Anti-trust is about keeping markets competitive, not about protecting Microsoft or protecting Microsoft's competitors.

Jerry L. Rogers
President
Banc Technologies Group, Inc.
214.349.7150

MTC–00019107

From: Ben
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

The proposed settlement is a joke. It's insulting to even call it a settlement. That's about as polite about it as I can be.

MTC–00019108

From: James Kennedy
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft settlement

I am writing in response to the request for comments in the USDOJ vs Microsoft case, in accordance with the Tunney act I ask that such a settlement be rejected.

I have read the proposed final judgment. Since I am not a lawyer, I can't claim to have a full understanding of it's contents. It seems however that it provides very little in the way of actual penalties against Microsoft or guarantees that Microsoft will not continue to do business in the same manner that they always have. In fact the proposed final judgment seems to be nothing more than the proverbial ''slap-on-the-wrist''. In fact, it appears more like something Microsoft themselves wrote instead of any form of real penalties as should be proposed when someone has BROKEN THE LAW.

I urge you to instead consider the alternate proposed final judgment submitted by the states, including my home state of Kansas, that have rejected the USDOJ proposed final judgment. Their proposal provides for real penalties and will discourage Microsoft from continuing with the business practices that they've used up to this point...even after the last anti-trust case against them was settled. This will provide for a fair and competitive market for all consumers who buy and use computer products.

Sincerely,
James P. Kennedy
Programmer/Systems Administrator
Standard Beverage Corporation
Lawrence, Kansas

MTC–00019109

From: John Abreau
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea. A settlement should be a punishment, but what's been proposed is actually a reward, one that would give Microsoft new opportunities to extend its monopoly into the few areas it hasn't taken over yet.

John Abreau
Executive Director,
Boston Linux & Unix
ICQ 28611923
AIM abreauj
JABBER jabr@jabber.org
YAHOO abreauj

MTC–00019110

From: HWA22741@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:47pm
Subject: Microsoft

To whom it may concern:

It is my belief the settlement of the Suit USDOJ v. Microsoft is not a benefit to very many citizens in the USA.

Harold W. Ard
613 Hibner St.
Tupelo, MS 38804

MTC–00019111

From: dcjohan@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:48pm
Subject: Microsoft Settlement

I am writing to state my absolute dismay at the proposed settlement in the Microsoft anti-trust case. As it stands, not only does Microsoft avoid any penalty of any kind, but the company gains an even greater stranglehold on the computing world. A company who uses its extreme wealth and apparent political advantage to destroy anything that does not represent a direct profit for itself, and a company which is in apparent violation of investment laws in addition to that with which it has already been found guilt, is nw about to be handed over the keys to the world wide web of which it has contributed absolutely nothing but now desires to control.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Were it not for the not-for-profit, i.e. open source community, there would not be a

world wide web as we know it today. All of the commerce we so fully enjoy would not be available today. Yet we do enjoy what the www can provide and all this was done without the predatory manipulations. Now, as a penalty for its behavior, the courts are proposing to not only do nothing to stop the predatory practices of Microsoft, but to literally hand over the potential to totally manipulate the web for their own benefit. Absolutely unbelievable!! Please carefully reconsider the proposed ''remedies'' in the case, stop the current proposal, and return to the drawing board to construct a truly fair penalty for Microsoft, one that benefits the tens of thousands who have been harmed by the Microsoft predatory practices and one that truly penalizes Microsoft for its continued predatory behavior!

David C. Johanson, Ph.D.

University Professor

MTC–00019112

From: J. Tuttle
To: Microsoft ATR
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing as both a concerned citizen and as an end user of much computer software, both Microsoft's and others'', to express my discontent with the proposed settlement of United States v. Microsoft. I am most concerned about certain proposals that Microsoft has allegedly made which would have millions of dollars of Microsoft software and solely-compatible hardware placed in public schools. The education market is one of the few where Microsoft is not dominant (or at least where it faces the greatest opposition), and it is outrageous that Microsoft might be allowed to further its monopoly over operating systems as part of any deal with the Government.

Microsoft should not be encouraged to foist its products on the few markets that it does not monopolize as part of any settlement, and any efforts it makes in this direction should harm, rather than help, its negotiating position, both in and out of court.

If Microsoft wishes to show that they are sincere in wanting to help this nation's underprivelidged children, they should take the amount of money that their proposed program would require, and spend it instead solely on products from competing companies, or on unpatented, free operating systems like GNU/Linux.

Any settlement with Microsoft should be strong enough to send a message to both Microsoft and to other companies who might emulate Microsoft that anticompetitive practices that hurt the consumer (and, by extension, the American economy) will not be tolerated. Computers and the Internet have become too important both to our economy and to our society in general to allow a single company to gain even a partial monopoly over them. Without a strong message now, there is little doubt that Microsoft will find new and different ways to attempt to monopolize the Internet, and eliminate or absorb whatever stands in the way.

Thank you very much for your time.

Sincerely,

James W. Tuttle

MTC–00019113

From: Alfred Chiesa
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

To whom it may concern,

Enclosed in this e-mail are my thoughts on the Microsoft antitrust case.

Regards,

Alfred J. Chiesa
31222 Countryway
Farmington Hills, MI 48331
Alfred J. Chiesa
31222 Countryway
Farmington Hills, MI 48331

My comments are going to be short and to the point. I have been a long time Microsoft software user and switched about 7 years ago to Apple when I started to realize how they competed with their competitors in the software industry. This was about the time when Netscape was the standard web browser and sold their browser on line for $29.95. I was very pleased with the product and thought the price was fair for a yearly subscription price. Then Microsoft launched its web browser Internet Explorer, IE. IE was not as developed as Netscape was, at the time, but the intriguing thing about IE was that Microsoft was able to offer it for free. I downloaded the browser and began to use it and before you know it, I let my Netscape subscription lapse and became a dedicated IE user. Then a few years had passed and I missed my Netscape browser. They had discontinued development of the product, made the program open source, and eventually sold it to AOL. The current offering is not as robust as the earlier versions and now I have been trying to find an alternative to IE but no one has a browser that is capable of running all of the necessary plug-ins needed to view today's graphic intense websites.

I believe that since Microsoft has an obligation as a company to promote competition and innovation in the industry. Not by acquiring and incorporating other companies technology but making available their software products to other platforms. If people choose to use Linux, Solaris, or Macintosh as their platform of choice, they should make available their software to the users of these platforms. This, in my mind, would allow individuals to lessen their dependency on using only Microsoft products and promoting growth in these alternative platforms, for example Linux, and would allow developers to compete in furnishing products for this emerging market. As long as Microsoft makes its programs a ''Windows Only'' solution, nothing in this industry will change. You will see more innovative technology fall by the wayside, like the Be OS, that primarily failed because of the lack of applications.

I am pleased with my choice of switching to an alternative operating platform, Apple, and I am writing this plea on a Microsoft product written specifically for the operating environment. I hope that in future years I will be able to make the same choice, maybe with a new and even more impressive system, because like in all things in nature diversity is what fosters new and innovative changes to happen

MTC–00019114

From: Samuel Herschbein
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I recognize the importance of a strong economy for the strength of our nation. I also recognize that our Constitution and laws protect us from being taken over (politically and economically) by groups with their own agendas.

As a computer professional since 1980 and a Macintosh user since 1986, I have watched Microsoft use its corporate strength to ensure its success without due regard to the law. Your case addressed some of these issues, many other actions have not been brought to justice.

Part of the proposed settlement is for Microsoft to donate equipment and software to schools. Apple Computer has dominated in this market, in spite of Microsoft's best efforts to compete. The proposed settlement will allow Microsoft to take over this market, contradicting the verdict and the principle of competition.

Please do what is just and legal. This trial has many parallels to the ''robber barons'' of the last century. They postured themselves as victims of an interfering government, Microsoft has done the same. They even had the audacity to question the DOJ and try to turn public opinion against you and the government on their web pages. Personally, I see that as a version of ''jury tampering.''

One thing must be remembered: the law has been broken, a verdict has been made, and the punishment should fit the crime. In light of the Enron failure, I believe that many people will be looking to the government to control this unmitigated greed that thinks it is OK to break our country's laws to get what they want.

Thank you,

Samuel Herschbein
(206) 524–3109—Voice
(206) 524–3109—Fax
(206) 963–2147—Cell
samh@oz.net
http://www.oz.net/samh/

MTC–00019115

From: Michael Pease
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Hi:

The current settlement is quite inadequate. Microsoft should be severely penalized for its criminal conduct, and broken into separate pieces. There needs to be severe punishment in any settlement.

Thanks,

Michael Pease
Systems Integrator
Zones, Inc.
425.430.3636
425.430.3625 fax
http://www.zones.com

MTC–00019116

From: larry.tawa@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I do not agree with the proposed settlement. Stronger action against Microsoft

is needed to preserve the free market and allow freedom of choice of operating systems and software.

Best regards.

Lawrence S. Tawa

MTC–00019117

From: Igor
To: Microsoft ATR
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Dear Sirs,

As a user of computer products and technologies, and being an IT professional, I am deeply worried about the growing influence of Microsoft Inc. in the global marketplace. Microsoft has through the sheer weight of its market domination sought to gain even more influence and power.

Its treatment of Netscape, which it saw as a powerful competitor for its Windows platform, has been widely documented and is exemplary of the ruthless nature of the way Microsoft conducts business.

Although Microsoft is in the business of making money and although they should be free to follow their own course, this should not include the right to hinder its competitors to the point where they cannot compete on equal terms. The very fact that Microsoft dominates the desktop and through this expedient alone can control who can and who cannot weave his products seamlessly into the Windows mesh is proof enough that competitors are not working on a level playing field. The odds are indeed very heavily stacked in favor of Microsoft when it comes to defending its interests on the desktop.

Furthermore, I find there is a deeply offensive character to the way Microsoft is trying to buy its way out of this court case. Not only is it offering a compensation for its conduct which would not cost the company a lot of money (the value of their offering is an arbitrary sum since they don't have to pay themselves full value for the products they'd be offering the schools), but more damning than anything else, providing the schools with more of its products, thereby guaranteeing a larger user base by creating future marketshare, they are circumventing their conviction for offending against the Sherman Act. And they are doing it in such a way as to negating the conviction and turning a defeat into a court ordered victory. This is the equivalent of allowing a thief to sell back at full price the stolen item to his victim, and forcing the victim to accept. Every fraud, every gangster, every con artist will DEMAND to be tried by this court. A conviction is better than winning the case.

If this settlement is allowed to stand as it is, the court is giving the wrong signal to everybody who intends to defraud, embezzle or steal from his neighbour. Every company will seek to defend its claim in this court because a settlement will be in its favor. In a judicial system that relies heavily on precedent, this is the most dangerous precedent of all. To compound the injury, Microsoft has never offered its shareholders a dividend in the profits and it has done so solely for the purpose of evading superior taxes of 39% on income from dividends in favor of the lesser tax amount of 20% for profits on selling stock. Microsoft has an enormous amount of cash money at its disposal. The law states that a company should have sufficient means to conduct its business but Microsoft has more cash than any other company on the planet. This is money that it has won through exploiting its monopoly very effectively. This way the company keeps winning. Not only is it convicted of a monopoly and is it subsequently rewarded with a settlement that perpetuates its monopoly, the money it has made it wants to keep for itself and its largest shareholders, among which its co-founder and chairman William H. Gates III.

Through its refusal to offer a dividend to its shareholders it evades taxes that are rightfully due to the State and thus to the general public.

How can it be that Microsoft which is convicted for being a monopoly gets to keep the spoils from exploiting that monopoly, witholds taxes from the State and gets the most favorable settlement in a court case in the history of the judicial system ? What message is sent here to the regular tax payer who does not have an army of legal geniuses at his disposal, who has to do an honest day's work for a modest income and who sees that convicted companies get away scotfree and with a golden deal to boot ?

I want to close by saying that I do not begrudge Microsoft its money, or Willliam H. Gates III his status as richest man on the planet. Although I do not scoff at the possibilities that an abundance of money allows, I have found other riches in life that money will never buy. I fully realise this is clichi but I mean it from the bottom of my heart. What worries me here is that if Microsoft gets away with its business practices and does not get a very stern signal, it will just keep doing what it has always done. When someone receives punishment that in real terms amounts to no punishment at all, he does not see the need or feel compelled to change his ways, and isn't that why punishment was meted out in the first place ? I think this is true for Microsoft as well. It is also a very bad signal to other companies that perpetrate these and likewise felonies that when they should ever face the wrath of justice they should not worry too much. And for what that implies I worry very deeply indeed.

I am sure you will rule wisely and serenely. I have confidence in the law because it is the protector for those who cannot protect themselves.

May God bless you.

Ignace Van Caneghem

MTC–00019118

From: Joshua Siler
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Hello,

I'd like to comment on the proposed Microsoft Settlement. I believe the settlement is a correct and appropriate action at this time.

Regards,

Joshua Siler

3412 NW Vaughn St

Portland, OR 97210

MTC–00019119

From: Roy Franz
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I think that Microsoft is getting off with a slap on the wrist, if even that. They were found to have broken many laws, and I believe that their abuses go far beyond what the court found. They should be dealt with sternly, in a way that will prevent future abuses. They have not changed their ways, and unless they are severely penalized and watched over by someone with real power over them, they will continue to ruin innovative companies by putting them out of business or just stealing their technology. They are basically above the law, as they can outspend anyone in court (and it seems they even did that with the US government, as they are getting off with nothing more than a stern warning.) Any settlement that Microsoft is willing to negotiate is too easy on them. Please do not settle with them. Roy Franz

MTC–00019120

From: Richard Nolan
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I am a United States citizen, living in Canada. I strongly object to the proposed final settlement in the Microsoft antitrust case. I feel it still leaves Microsoft in a position to stifle innovation by the sheer volume of the market segment it controls. While I do believe in free enterprise, it seems obvious that Microsoft behaves (and will continue to do so if this case is settled as proposed) in a belligerent manner to its competition.

Please think very carefully before moving forward on this * * *

Regards

Richard Nolan

MTC–00019121

From: michael(u)barnes
To: Microsoft ATR
Date: 1/23/02 6:51pm
Subject: Microsoft Settlement

The settlement is too lenient on Microsoft, and is therefor not a good settlement. The remedy does not go far enough, the penalties are too light. The proposed settlement will not have any significant affect on Microsoft's behavior. It should be thrown out.

MTC–00019122

From: Michael Williams
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I am opposed to the settlement.

Microsoft has irrevocably altered the evolution of information technology, both in the technical sense and the social sense. So have other entities: Apple Computer, Bill Joy, Vincent Cerf, etc., etc. Microsoft, however, has provably done so through technological piracy and unethical and illegal(!) business practices. The result has been the unprecedented growth of the indisputably rapacious monster, Microsoft, at the ever increasing cost to us at large. I find the

defense of Microsoft based on the benefit it has created through a unified environment to be utterly ludicrous. The loss of national productivity due to the use of Windows alone should be an indictable crime.

Given what has been *proven* in court, the proposed settlement offers a truly lame and ineffectual punishment. It is just plain unacceptable. I apologize to the reader if this seems polemical. Thorough and even-handed analyses supporting this point of view abound (e.g. by GCSF, Inc). The message that this settlement would send to everyday people like myself, is that money has a heavy hand, indeed, in our judicial system.

Michael Williams
1861 Smithfield Drive
Blacksburg, Va 24060

PS: What is being done to control against undue Microsoft influence to the tally of Tunney-Act comments? After all, it's not like they haven't done it before.

MTC–00019124

From: Joan Niertit
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Your proposed settlement is a joke. Microsoft needs to be fundamentally challenged on its business pratices, and punished meaningfully (in great amount of money) for the harm its anticompetitive practices have done to consumers and software vendors. Throw out your settlement and start over.

Sincerely,
Joan Niertit

MTC–00019125

From: Robert Dean
To: Microsoft ATR
Date: 1/23/02 6:53pm
Subject: Microsoft Settlement

The Microsoft Settlement has agregious shortcomings, and I think it should not be approved. I have signed onto Dan Kegel's open letter regarding this matter.

MTC–00019126

From: Daniel Nichols
To: Microsoft ATR
Date: 1/23/02 6:51pm
Subject: Microsoft Settlement

Dear Attorney Generals, Judge Colleen Kollar-Kotelly,

I would like to forward my comments on the Anti-Trust case against Microsoft. I have forwarded several articles about Microsoft's practices to Attorney General Tom Rielly and other Attorney Generals not settling the anti-trust case with Microsoft. I believe these states, companies that Microsoft has harmed, and the World pc user community has been severely harmed by the anti-competitive practices that Microsoft has done and will continue to do without strong restrictions.

Please let me state this again. We have already seen that Microsoft does not care about users, security, and robust applications.

I would first like to say that by allowing Microsoft to give it's software to school districts as punishment is no punishment at all.

I am writing this email on a computer at Pensacola Junior College in Pensacola, Florida. I also use the computers at 2 locations at West Florida Regional Library in Pensacola. There are no other computers, non-windows, for students and the community to use. All the computers have Windows operating systems (OS). All have Microsoft's Internet Explorer (IE) Browser installed. At the public library, the Bill Gates Foundation donated computers to the Library system, which in turn runs only the software Microsoft gives them. Some of the computers have AOL's Instant Messenger installed on them at the community college. So, while Mr. Gates donates his software, he has people indoctrinated on his products.

I dont believe Microsoft will adhere to or follow minor restrictions placed against the company. I dont believe that Microsoft will in any way change the company's practices anytime soon unless severe restrictions are in place.

I have been reading technology news for several years now. Microsoft has teamed up with Bristol and other companies coming up with new technologies. Microsoft then backs out of the deal holding part of the copyright and threatens to sue if they use it in an attempt to compete against Microsoft.

Another issue about the Anti-Trust case is that Microsoft wants to keep documents sealed from the court case. Why? If it is not trademark secrets, what is MS afraid of; the public seeing the true company plans (or the true company) and not liking what they see. I don't think that the court should seal the documents. If the documents harm Microsoft's image, let them live with what they have practice. Don't let them hide behind secrecy.

In the last year there have been major flaws in Microsoft software that proves that the company does not care about the consumer and is only thinking of the bottom line. Let me point out the following:

Two business analyst recommended in late 2001 that companies using Microsoft's Internet Information Server(IIS) should think about an alternative server product due to attacks and security flaws in the product.

During a system crash, Office XP and IE was found to ''grab'' information and send it back to Microsoft for operating system ''crash analysis.'' This ''bug'' or problem was found at the Los Alamos Laboratory. (I hope no one sent nuclear secrets to Microsoft, we'll have a whole new set of problems to worry about.) (Its the year 2002 and Microsoft has made Billions of dollars over the years and NOW they are getting concerned about security issues.) In November or December of 2001, there was a report of Microsoft's SQL database having a significant vulnerability.

Windows XP was released in Sept 2001. 2 months later, in December 2001, it was reported that there was a major vulnerability that would allow a Windows XP computer to be taken over from 2500+ miles away. This was supposed to be the most stable and attack proof operating system for users.

The same vulnerability found in Windows XP was found to be in Windows 98 and ME and there were suggestions that Microsoft knew about these exploits and still released Windows XP. Microsoft implemented the Active Directory authentication service for Windows. This would lock the company to Microsofts service. There would be no reversing the procedure if you found out later that you did not like the way the service directory performs. You would have to do a complete deletion and start over with your organizations computers, printers, servers, users id and passwords, etc. But, some of Microsofts competitors raised interoperability questions and Microsoft restructured Active Directory to accept the Light-Weight Directory Access Protocol. (Seems weird when you look at it like that, Microsoft had the capability to use competing protocols all the time?)

Limiting servers on a directory service—re-pricing issues— Window 2000 users cry foul There are three new limitations on the proposed XP Server license: two processors only; no Application Mode Terminal Services operation; and a limitation of two Servers per Active Directory forest. This has caused howls of protest from the existing Windows 2000 users because they can see a whole new level of financial pain. Here's a typical scenario. Your headquarters has Advanced Server but your I00 regional offices are equipped with Server. You need a local server on each site, but you want them all in one Active Directory forest for easy management and control.

In the proposed repackaging, every one of those regional Servers will have to be upgraded to Advanced Server at a cost of more than 1000 each. Before anyone leaps up and presses the panic button, be clear that these are proposed packages. There is no indication that they will end up in production, or that it will be the same case for select customers as for shrink-wrap. http://www.vnunet.com/Analysis/1126600

I have used Microsofts Works home productivity software. In 1997–1998, I tried to help a friend with a resume. He had typed it on Microsoft Works and I went to the Junior College to format it and print it on a laser printer. At that time Microsoft did not have a file reader for its own home productivity product to be read by MS Word 97. It would appear that Microsoft marketed Microsoft Works on pcs to be sold for home use. Then, when you brought a file in MS Word 97 format home, MS Works could not read it and the same for Works to Word 97. So the users wanting to read and edit files in MS Word 97 would have to go out and buy the $125 plus Version of Word 97 for their home use. In March or April of 1998, Microsoft released a file reader for Word97, Excel 97, and I believe Power Point to view flies on a pc without the original application. File incompatibility for revenue purposes? During the first Anti-Trust hearing in 1994–95 and later there were documents and suggestions about Microsofts Windows 3.1 OS having hidden code. http://eatthestate.org/03–07/MicrosoftPlaysHardball.htm

Microsoft plays hardball: Of course, this is not new behavior for the software giant. In 1991, Microsoft employees launched an exceptionally dastardly plan to kill another competitor, DR DOS. DR DOS sales threatened MS-DOS, the early predecessor to Windows 95 that established Microsoft's operating system monopoly. DR DOS sales were on the rise—they doubled from $15

million in 1990 to $30 million in 1991. They soared again to $15 million in the first quarter of 1992 alone. Then disaster struck.

Microsoft was writing Windows 3.1, an important upgrade to the hugely popular Windows 3.0. In September 1991, a plan was hatched to use this upgrade to kill DR DOS. In an email discovered by the Dept. of Justice, the head of Windows development and Microsoft VP David Cole wrote, ''aaronr had some pretty wild ideas after three or so beers—earleh has some too.'' The plan was to plant code into Windows which would ''put competitors on a treadmill'' and cause the system to ''surely crash at some point shortly later.'' In order words, Windows would intentionally bomb if it detected DR DOS.

At this time, many computer vendors were considering switching from MS-DOS to the superior, cheaper DR DOS. Microsoft was especially concerned about IBM. Wooing these PC vendors was crucial to the future success of DR DOS, as was the good will of ''early-adopters'' (i.e., technically savvy users who drive new trends in the computer industry). These vendors and early-adopters were also the same people who received a Christmas ''beta'' pre-release of Windows 3.1. They discovered—to their horror—that using DR DOS would cause vague system errors to pop up in Windows 3.1; they dumped DR DOS in droves.

More links to windows 3.1 error codes:

http://www-cs-students.stanford.edu/kkoster/microsoft/caldera.html

http://www.insecure.org/myworld.html

And lets not forget what Microsoft is doing with its monopoly in Europe and the EU trying to rein Microsoft in. It would seem that not just the US and pc users are having a hard time trying to convince Microsoft of competing fairly. It is not in the companys corporate plan. This article suggests that we hold companies liable for security breaches in their products. I guess you should ask Microsoft to re-write their end user license agreements EULA while you have their attention. http://news.com.com/2100–1023–821266. html

In the end of 2001, a system security expert warned Microsoft of a severe vulnerability in Windows software. Microsoft waited for 8+ days to issue an alert. The security researcher released the problem to responsible teams. Microsoft labeled him an extremist. Only after the security researcher released the problem did Microsoft acknowledge the problem. The last comment I want to make is this. You should want to buy the product not be forced to buy the product. If you are forced to buy the product, the company can make a product without much improvement and the quality of that product will suffer. I hope that I have highlighted some new information or reiterated some information for your review. Does Microsoft have the best products or is that the only choice?

Thank you,
Daniel S. Nichols
548 Selina St
Pensacola, F1 32503

MTC–00019127

From: Wilson, John G
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:53pm
Subject: MS settlement

By not thoroughly punishing MS, you are not thoroughly condemning their actions. MS has publicly claimed they haven't done anything wrong. What makes the DOJ think MS won't find other ways to illegally leverage their monopoly? MS has often been humiliated in public by the sloppiness of various aspects of their software. A public slap on the wrist, some fines, and an order to stop the illegal activity that they never should have done in the first place is NOT going to make them change their ways.

If such a weak punishment as the proposed punishment is put in place, what will other companies aspiring to gain monopolies think? Maybe they will think, ''all we have to do is gain a monopoly, because once we do, nobody will want to stop using our products, and we'll be so rich that monetary fines won't phase us''.

Look at all the things MS has: money, customers, influence, power. They also have responsibilities to the computer industry unlike any other company. MS has thoroughly abused all that they have been given. MS should not be allowed to continue to wield such power over the industry. I don't know how to take away what MS has illegally gained (and hence no longer deserves), but the current settlement does not go far enough.

John
jgwilson74@yahoo.com
John Wilson
SETE Tools Development

''Many that live deserve death. And some that die deserve life. Can you give it to them? Then do not be too eager to deal out death in judgment For even the wise cannot see all ends.''—Gandalf

MTC–00019128

From: Bob Parnes
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I do not favor the proposed settlement.
Bob Parnes

MTC–00019129

From: Elan Freydenson
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

I think the propossed settlement is a bad idea.

One reason is the settlement should prohibit Microsoft from limiting the use of Windows-compatible operating systems.
Elan

MTC–00019130

From: Courtney Winston
To: Microsoft ATR
Date: 1/23/02 6:55pm
Subject: Microsoft Settlement

It has seemed to me for some time,that a company with their resources might use them to improve their products,rather than coerce the market to use them regardless of merit.
C Winston

MTC–00019131

From: Steve Dzemidzenka
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Settlement.

Hello,

I want to express my opinion about Microsoft monopolistic advantage. I truly believe that Microsoft has a huge advantage over any of its competitors. Having Windows and giving away add-ons for free, they kill a lot of products which are better, but charging for those products cannot be justified when Microsoft's products are free. Microsoft can afford to give add-ons for free and having Windows as the most powerful distribution channel possible, they take unfair advantage. Operating system is the foundation of every piece of hardware. No hardware can run without it. The company which controls operating system controls a lot of things. I truly believe that the operating system should be owned by independent third party which will provide the core set of operating system functionality to anybody who needs it on equal terms. This business is self sustaining and MUST be split away from Microsoft. This will insure that Microsoft does not have unfair advantage for other add-on product distribution by dictating Windows's terms of use. I hope my government realizes all the seriousness of the situation and takes the proper steps to bring the spirit of competition back to the industry.

Thank you in advance
Steve Dzemidzenka
dzemid@yahoo.com
602–522–5936
USA

MTC–00019132

From: Joe Smith
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Proposed Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I believe that the settlement does little to punish this convicted monoplist and even less to restore balance to the competitive market.

It is blindingly obvious to me that the weak provisions in this settlement will serve only to embolden this company that to date has shown no remorse nor admitted any wrongdoing. One need only to look to the proceedings in Judge Jackson's courtroom to see how this monopolist views the judicial system. They lied. I mean just out and out lied. They faked evidence and then lied about that when caught. This company believes that they are above the law and can do as they wish. That is wrong. This settlement reminds me of Britain's appeasement of Germany prior to 1939. Please do not become known as the ''Neville Chamberlin'' of the electronic age.

Sincerely,
Joe Harbert

MTC–00019133

From: Ken Beal
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Decision

Settling with Microsoft will not solve the problem that was created by Microsoft's

predatory business practices, nor will it bring back the companies whose carcasses litter Microsoft's past.

I think there's one very specific thing that can be done to make the situation more competitive. After all, competition is the goal, right? The more companies competing for customers, the better the effort each company will put forth, and the slimmer the margin each company will skim. In the past, the OS portion of a computer purchase was small, like $60 of $3,000. These days it's more like $90 ? but of a much smaller purchase, as full-featured computers can be purchased for $700 these days. Even if the cost of Windows had stayed the same, rather than risen, the cost of Windows as a percentage of the cost of the computer would have risen.

My solution: declare illegal the contracts that Microsoft forces OEMs to sign, in order to get preferred pricing. These contracts enforce that the OEM cannot customize the computer; cannot put any third-party applications that compete with Microsoft's offerings (which these days are almost any third-party applications!); and what's worse, eliminate the OEMs ability to sell a computer with more than one operating system on it. There was a Hitachi computer sold recently with the Be OS, but it was hidden; the customer had to jump through some difficult technical hoops to enable it. Be OS's founder, Jean Louise Gasse, announced that he would provide the OS for free to any computer manufacturer (OEM) who would ship it. Only one OEM did, Hitachi, but in a form that was rather unusable to most consumers.

If the Department of Justice does one thing and one thing only, it should be to eliminate Microsoft's OEM contracts. Force Microsoft to sell Windows at a specific price for a specific number of units (i.e., a customer purchasing 10,000 licenses could get a better deal than a customer purchasing 10 licenses; however, an OEM who agrees to ship only Windows XP and Office XP should not get a better deal than an OEM who prefers to ship Windows XP with Netscape and StarOffice, assuming they?re purchasing the same number of licenses. Or a computer equipped with Windows XP and Red Hat Linux). My point is Microsoft is selling a product. They shouldn?t get the right to dictate how that product is used or configured when the OEM then sells it to the end user. There are many examples of this in other industries (i.e., Ford or GM may purchase radios from Blaupunkt or Sony, for installation in their vehicles; and often, the auto manufacturer removes the faceplate and replaces it with one with their logo). To take the auto metaphor further, Ford sells a car to its dealer. The dealer then adds decals and metal logos with the name of the dealership to the back of the car, before selling it to the end user.

Obviously, Microsoft would want the OEM to not make changes to the Windows OS code, as that may destabilize the operating system and lead to crashes. However, when an OEM sells a computer, the contract they have with Microsoft forces the OEM to pay Microsoft for a Windows license, even if the computer was configured with a different OS! This reduces competition, because an OEM figures, if I have to pay for it anyway, I might as well ship it. If an OEM was free to sell computers configured however they wanted, and only pay for the parts included when that computer includes those parts, then I would say we have reached a fair settlement.

There are many, many other problems with the settlement, but if the OEM contract issue is resolved, the market will help correct the rest of the problems.

Thanks for listening,
Ken Beal
Coconut Creek, FL

MTC–00019134

From: Phillip C. Wolf
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 6:57pm
Subject: Microsoft settlement

Sirs:

I am an avid computer user since learning about them in my high school in 1972.

I am also a member of the Armed Services of the United States of America, and have witnessed firsthand the tears of frustration at using an incompetent software suite foisted upon the country by Microsoft.

This is NOT a benevolent monopoly as ATT was. This is an evil, greedy, incompetent corporation which stops at NOTHING to extend and prevail it's dominance.

Witness:

Bill Gates, Microsoft, et alia working dilgently behind the scenes to control and steer the COMCAST/ATT broadband merger, so as to completely stiffle any potential competition from AOL Time Warner.

My industry-standard, world-standard computer software is today increasing finding internet sites which do not function properly due to Microsoft's blatant highjacking of such standards with proprietory ''flavors'' which are known only by Microsoft, and which overtake the world internet by their monopoly stranglehold. (Java, C++, VisualBasic, FTP, html, and TCP/IP)

The self-imposed, self-proposed ''penalty'' offer (truly, THIS IS A PATHETIC ATTEMPT TO MAKE A COMPLETE MOCKERY OF THE JUDICIAL SYSTEM) to pay off foul deeds against the comsumers of America and the world, by ''donating'' used systems containing Microsoft products EXCLUSIVELY to public schools. Is there no one in government today who can see that this is a thinly disguised attempt to POISON the minds of schoolchildren and pull them into the Hell that is Windows(tm)?????? Unix, OS/2 (killed by Microsoft) even Linux, are far, far, far better operating systems than Microsoft Windows. ANYONE who uses a computer extensively and dares to compare will see this in a micro-second.

To close, I add the thoughts of a commentator I read at Linuxplanet.com, with which I am in COMPLETE agreement:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

PLEASE: Stop this monster run amok.

PLEASE: protect Americans and others from this criminal hegemony.

PLEASE: decide in favor of the American Way of Life which has worked so well for hundreds of years—a fair, open, and LEVEL playing field for business.

Do the right thing.
Please.
sincerely,
Phillip C. Wolf
Master Chief Petty Officer (USCG)
Consumer
Patriot

MTC–00019135

From: Jack Gott
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement to be a bad Idea.

A final judgement of fines only is way too soft.

Please release the computer users in corporate America of this tyrany.

Thank you.
Jack Gott

MTC–00019136

From: John Davies
To: Microsoft ATR
Date: 1/23/02 6:55pm
Subject: Microsoft settlement

It is my feeling that the suit against Microsoft should be settled in terms agreed to by the Dept. of Justice. It appears to me that the suit is being prolonged by Microsoft's competitors in spite of favorable terms to consumers. The prolongation of this suit is wearing thin. I would urge all parties to settle.

Sincerely, John R. Davies, M.D.

MTC–00019137

From: Greg Steiert
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

I think more work needs to be done to remedy the problem.

Greg Steiert

greg@steiert.net

MTC–00019138

From: BudasBrother
To: Microsoft ATR
Date: 1/23/02 6:57pm
Subject: Microsoft Settlement

To whom it may concern,

Below I have listed the top 10 reasons Microsoft is a Monopoly and why that's not a positive position for the computer industry as a whole;

01. Microsoft is smothering the IT Industry.

Microsoft's habit of taking fledgling computing platforms/applications and integrating them into the behemoth that is Microsoft, in doing so they are killing the small developer community. Microsoft is in fact slowing the IT industry by smothering the small developer. It is the small developer, the late night programmer or the back yard developer, the uni student, etc that come up with the new applications. These are the people that have a problem and solve it using their PC, with the solutions eventually moving into the mainstream if popular. As opposed to Microsoft who seems to be continually trying to find a new problem for their solution. Just look at the advances within the IT Industry over the last 20 years, how many were invented by Microsoft??? A few examples;

-GUI with Mouse type control (First display by Xerox, first adapted by Apple)

-All major Application Groups, from Word Processor to Graphics, non first developed by Microsoft.

-Multi Tasking stable OS—First on the desktop Amiga, 20 years ago. -Internet—University based invention

-Instant Messaging—Not Microsoft

-Hotmail—MS blew alot of cash on this one to get in early.

Without the smaller more creative developer these new applications, new solutions are being created less often. Without these advances the IT industry will slow. The reasons to upgrade and continue the cycle will become less and less. By using the strategy of buying or smothering small developers Microsoft has given the whole industry a full frontal lobotomy, with a piece of barbed wire. If this seems a little paranoid, it is all spelled out in Microsoft's .Net strategy. The plan for total control.

02. Microsoft—Lawyer University

Microsoft's use of the legal system to intimidate competition, is destructive to the industry. It also makes a mockery of the legal system when a company can bank roll its own laws. I think it very irresponsible for MS to use the Legal system as a defensive manoeuvre for its market. I see the legal system as being a way of defence, not attack. There are a couple of good examples of this at the moment, the License agreement every user unknowingly agrees to, the legal attack on Lindows.

03. If Microsoft were my child.

If MS were a child someone would have put him on Ritalin years ago. They're behaviour is irresponsible and they never let anyone play with their toys.

04. My personal favourite piece of MS false advertising.

Microsoft's ''FREE'' software bundles. If they do include any software with the OS and the user has paid thru the nose for the OS how can anything included with the OS be called free. Especially when you consider the work you have to put in removing all of these free pieces of software to put on the ones you want.

05. Locking Users in the Dungeon of MS

This argument has been made many times but it must be said again. By locking users into their specific brand of application (usually slow and buggy) they are limiting the user. The greatest example is Win XP. I feel sorry for users of IRC and Messaging other than Microsoft Messenger. Microsoft will say tactic is to allow quicker and more stable user experience. But the truth is that alot of the alternatives are better written with better options, that if installed would probably be quicker and smoother. Can anyone answer how I uninstall Windows Explorer from windows. Explorer is not my favourite file util but do I install the file util I like then use Explorer to start it. Does this seem a little silly to only me??? This is also effecting the small developer and IT Company.

06. Microsoft doesn't Listen.

The direction of the IT industry is driven by the consumer being given options and the most popular one wins, its a basic but honest system. The IT industry does still operate this way but with Microsoft running their monopoly instead of the people making the decision, they have taken it upon themselves to decide what it is we want. I guess until we stop giving them money hand over fist they may be justified in there position!!!!!

The only way things will really change is if people get sick of MS's behaviour and move to another OS, give it 5 years.

07. Microsoft is bleeding everyone dry.

At the end of the day when all is said and done I think that really, the most destructive thing Microsoft is doing to the industry is simply bleeding it dry. The outrageous prices they charge, annual upgrades, courses and the rest of the charges you incur if you want to have any commercial contact with Microsoft are now responsible for a large percentage of the commercial running cost of any IT services within a company. If we were to take Microsoft's annual income and set-up a series of smaller companies with more specific direction you would be able to set-up 1000's of companies. The combined input into the computer industry as a whole would be far greater than Microsoft itself provides. I also infer that because the smaller companies could be more specific the quality of services/products would rise.

Yours Sincerely

Athol Courtenay (aka BudasBrother)

MTC–00019139

From: nytral@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

Allowing MSFT to force them to give away their software to schools is like giving them the right to do super-dumping to blow away competition. Not too bad for a punishment against anti-trust, eh? Since it's all about politics, who cares except those getting bigs bugs from those deals?

MTC–00019140

From: Michael S. Toohey
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Microsoft Settlement

Greetings,

My name is Michael S. Toohey and I want to protest the Proposed Final Judgement that will be handed down in the Microsoft Anti-Trust Trial. There are many items wrong with it and I beg the court to reconsider it. Microsoft continues to utilize business practices that allow it to ''snake'' around the law. Slapping Microsoft on the wrist is something that should not be done again. Microsoft will ''snake'' away from the Final Judgement by focusing away from the Operating Systems in Definition U of the PFJ and focus on other items in a monopolistic manor. These tactics will hinder innovation for other devices, hence hindering the productivity of the American People.

Thank You for your time.

MTC–00019141

From: Chris Lawrence
To: Microsoft ATR
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

/To Whom It May Concern: /

/I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. /

/The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. /

/Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. /

/While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. /

/Sincerely,/

/Christopher Lawrence/

MTC–00019142

From: Roy Mackay
To: Microsoft ATR
Date: 1/23/02 6:57pm
Subject: Microsoft Settlement

I do not agree. Please take extreme care with this.

Thanks

Roy Mackay

MTC–00019143

From: McCombs, Peter
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:00pm
Subject: Microsoft Settlement

I am writing in regard to the proposed Microsoft Settlement, as allowed under the Tunney Act, and in hopes that this opinion might be considered prior to the final acceptance of settlement terms as they stand at this time.

I am a professional engaged in the development of computer software, and have no strong complaint against Microsoft from a technical perspective. However, I have noticed a marked decline in the quality of computing in general, and particularly in the decreasing ability of my fellow citizens to employ technology creatively and constructively in their daily lives. This I attribute to the increasing stranglehold that Microsoft maintains on the computer desktop market.

I applaud the Findings of Fact, and agree with the courts that Microsoft's actions cannot be considered lawful and must be remedied. However, it is apparent to myself, and many in my profession, that the proposed settlement falls far short of addressing the problem. It must do more to reduce the barrier of entry for applications developers so that they might be able to develop competing software on the Microsoft platform, as well as on other computing platforms.

Please reconsider the settlement in favor of stronger penalties.

Peter McCombs
perotsystems
(801) 852–5773

MTC–00019144

From: Nick Grande
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

I believe Microsoft should set aside money to be managed by an independent entity to be distributed to the nation's poorest schools rather than the donation of software. The donation of software would not be a punishment at all as it would not cost Microsoft any money at all to donate the software (as it already does to many colleges). Furthermore, the donation of Microsoft software which is mostly oriented to Microsoft's Windows platform would encourage schools to favor that platform and further entrench Microsoft into a sector they do not already dominate. This would in fact be rewarding Microsoft for breaking the law and not be a punishment. I strongly urge you to not allow this to happen. Thank you for your time.

Nick Grande

MTC–00019145

From: Micah Cowan
To: Microsoft ATR
Date: 1/23/02 7:01pm
Subject: Microsoft Settlement

The proposed settlement is insufficient.

Yours Truly,
Micah Cowan

MTC–00019146

From: Kyle L Bittinger
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

Kyle Bittinger
40 Orvis Rd
Arlington, MA 02474

I am concerned about the implications of the proposed Microsoft antitrust settlement on consumers like me. Notably, in the proposed settlement, the definition of a competitor is limited to a for-profit business. However, for example, the largest competitor for Microsoft's network software is the freely distributed Apache software. I feel that such ''open source'' applications will be a valuable resource for consumers, and that, in the least, they should be included in the definition of ''competitors.''

Thank you,
Kyle Bittinger

MTC–00019147

From: wolfe@ems.psu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 7:03pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

I would also like to suggest that you do not allow Microsoft to exclude Open Source software from any settlement that is reached. One of the proposed settlements from MS would require MS to release documentation *ONLY* to ''Registered Businesses'' This would exclude open source deveolopers, who frequently release software for free that needs to be compatible with Microsoft APIs.

Sincerely,
Jeff Wolfe
Research Assistant
College of Earth and Mineral Sciences
Penn State

MTC–00019148

From: Brian J Hansen
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

I do not approve with the settlement as it stands. This company is hurting US business by intentionally selling a second rate product which is easily targetted by virus programmers. They need to be punished in a harsh way for the way they treat other companies, and for the headaches they've caused myself and others.

MTC–00019149

From: Pulsipher, Jesse
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I don't think it does enough to punish Microsoft, nor does it do anything to prevent the same thing from happening in the future. Please reconsider the proposal.

MTC–00019150

From: Lori
To: Microsoft ATR
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

First, I'd like to share an e-mail of a chat I had with a Gateway sales rep:

Topic: Customizing A New Notebook

Lori Can I have Windows XP removed before shipping?

Carson hi. welcome to gateway country. my name is carson, your esales advisor. may i please have your phone number in case this chat disconnects?

Lori 920–339–9708

Carson thanks. let me check

Carson which laptop do you want to purchase? and which operating system do you want?

Lori I was considering the Solo 1400se. I'd prefer either Mandrake 8.1 or RedHat 7.2

Carson i see. we cannot send a laptop w/ o an operating system. Lori Why is that?

Carson licensing agreement.

Lori With who?

Carson microsoft

Lori What are my options then—I take it Linux is not an option?

Carson correct. we can load xp, win2000, or 98.

Lori Okay. Thanks for your time—I'll check back in the future and see if those agreements might change.

Carson ok. you're welcome. thank you. bye.

Carson eSales Advisor 1–800–846–2036 x55238

carson.kotay@gateway.com
11410671:6051783

My main concern here is that I do not want a Microsoft operating system forced upon me. I do not want to be forced to pay for something I will not use and will immediately wipe when I receive my new PC/laptop. I do not mind if companies will not provide an alternative OS as long as they will be able to provide NO operating system, at my discretion. We should not now, or ever, be forced to pay for what we do not want simply because of a ''licensing agreement'' forced upon a PC manufacturer by a monopolistic company such as Microsoft.

Second point, I do not believe that allowing Microsoft to continue to have a competitive advantage over other software companies by sharing information before new releases with other Microsoft ''divisions'' but not outside companies. This is one of the main reasons that Borland's compilers are no longer #1—Microsoft shared pre-release information with their compiler ''division'' (what a joke) which allowed them to be on the market with support for new revisions of the OS before anyone else, offering them a distinct competitive advantage.

Third point, the inclusion of software such as Windows Media Player and Internet Explorer are extremely anti-competitive.The answer from Microsoft about ''integration with the OS'' was once bunk, but now that they've been given time they HAVE integrated such software with the OS and there is no way to remove it without a

complete rewrite of the OS. WHile it may not be possible to reverse the damage that has been done, it can be prevented. I take no issue with Microsoft developing and selling such software, but it should NEVER be included with the OS. The operating system should be ONLY an operating system and nothing more. Offering the products on an additional CD for free is fine, as long as other companies have the same opportunity. Let them offer it like AOL— on unsolicited free CDs.

Thank you,
Lori MacVittie

MTC–00019151

From: Daniel Harrington
To: Microsoft ATR
Date: 1/23/02 7:01pm
Subject: Microsoft Settlement

I am writing this letter to express my concern for what appears to be the lenient treatment of Microsoft resulting from the anti-trust trial. As an intentional user of non-Microsoft software, I find that the company continues to exercise its influence over software acceptance in virtually every arena, and this activity continues blatantly, even after the findings from the anti-trust trial.

The recent release of the Windows Media format (predominantly post-trial) provides an excellent example of how pre-trial behavior continues unchecked. Just a few years ago, Apple's Quicktime was the predominant multimedia format. This was followed soon afterwards by streaming solutions by companies like Real. The Microsoft analogue, Windows Media format, has been available for a comparatively short time, and yet has drawn quick acceptance, primarily due to its rampant availability. Testimony from the trial shows that this sort of activity was planned, and one can see from the dominance of Internet Explorer that similar results are inevitable in the multimedia realm without some sort of intervention.

Microsoft has become a monopoly. Definitive steps must be taken to check their influence on the software industry and allow for competition in this realm. I would encourage that steps be taken to even the playing field, with less concern to the effects that such steps might have on Windows users as a whole. While appropriate measures might have short-term negative effects on the company and the nation, these temporary issues should only be seen as direct results of the monopoly itself—and as beneficial steps in the long run.

The nation's attention to this issue is clearly an indication of how important it has become. Similarly, the outcry from non-Windows users should provide some sense of how fragile their futures may feel under the threat of a company like Microsoft. Marginalization happens easily and quickly in the software industry (note companies like Lotus and their 1–2–3 spreadsheet and Ami word processor, former competitors and leaders in their respective fields). Please move quickly to preserve an open arena for large and small software companies alike.

Sincerely,
Daniel Harrington

MTC–00019152

From: John Millington
To: Microsoft ATR
Date: 1/23/02 7:02pm
Subject: Microsoft Settlement

To Whom It May Concern: The proposed settlement is unacceptable and it is incompatable with the interests of the American People.

The biggest problem is this: A criminal should not be allowed to profit from their crimes. The remedy should include a punitive measure to deprive them of all illegally (as determined in the findings of fact) gained revenues to date.

If this is not done, then justice is not done and the problem is not remedied.

Thank you,

John Millington, a Software Developer in Albuquerque, NM

MTC–00019153

From: Ryan, Thor
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:03pm
Subject: microsoft settlement

Break them up, its' the only solution that will work. I've worked in the tech industry for 5 years, and Microsoft has used it's monopoly to push down innovation and bully people into buying their products. How can you make a profit innovating when Microsoft bundles it's software for free at first, then jacks the price up later when competition is scarce?

Thor Ryan
WIC Help Desk
(907) 465–3105
wichelpdesk@health.state.ak.us
<mailto:wichelpdesk@health.state.ak.us>

MTC–00019158

From: Robert Oneto
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From:
Robert J. Oneto
5613 Holland Ln.
San Jose CA 95118–3425

The proposed final judgement in the U.S. vs. Microsoft case, is insufficient to prevent future abuses of monopoly position, and fails to deny Microsoft the fruits of their illegal activities. Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I work for a company that produces software which operates on multiple platforms including Windows, and am also an end-user of several Microsoft Operating Systems, Middleware and Applications both at work and at home.

The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''. Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them. Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition.

Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another—for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy. Structural Remedy:

The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:—Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN etc).

Microsoft continually use their monopoly position in each of these sections to dominate others— and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and ''lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies.

It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation:

In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS competitors.

Applications Barrier to Entry:

Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways:

By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only. Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents.

Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs. Forced Upgrades Must be Stopped:

MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above.

To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications. Prohibiting practices towards OEMs:

In addition to current restrictions in the Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS. The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected ''groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products. Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas.

Enforcement:

MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy. Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

MTC–00019160

From: Patrick McLeod
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

I think that Microsoft's Proposed settlement is a horrible idea. Do not let Microsoft get away with illegal actions!

Do I dare
Disturb the universe?
In a minute there is time
For decisions and revisions which a minute will reverse.
T.S. Eliot

MTC–00019162

From: Alex
To: Microsoft ATR
Date: 1/23/02 7:06pm
Subject: Microsoft Settlement

In my opinion the proposed settlement does not address the correct issues. In it's current form the settlement will have little effect in the software industry.

Alexander Kazura
Pittsfield, Massachusetts

MTC–00019164

From: Monty Walls
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement (aka hang-em)

I have read the proposed settlement and find it delusional/insulting. Why should Microsoft be rewarded for business practices that were found illegal, and why should Microsoft be allow to retain the fruits of illegal actions.

Additionally Microsoft's conduct during the trial if committed by a common citizen would land that citizen in jail (tampering with evidence, faking evidence, Microsoft's counsel lying/misleading a federal judge).

So yes, you should consider this a vote against the current settlement. -Monty Walls

Norman, Oklahoma
Monty Walls
(mwalls@castor.oktax.state.ok.us)
MIS, Oklahoma Tax Commission

My opinions are my own, my employer knows nothing about it.

MTC–00019165

From: eric@schatz.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:07pm
Subject: In Opposition to the Proposed Microsoft Settlement

I do not believe that the proposed Microsoft Anti-trust settlement as it is written is in the public's best interest. Considering Microsoft's history of anti-competitive behavior, I do not feel that the settlement is harsh enough or will effectively curb the wreckless power that Microsoft wields.

I would like to see competition in the Operating System market. As a consumer, I want to be able to choose an operating system based on such factors as price, security, ease of use, and stability. Currently, the only factor I have in choosing my operating system is the applications that will run on it. As the majority of commericial software is developed for Microsoft Windows operating systems, it is clear that Microsoft API's have become an industry standard. As a standard, Microsoft must publicly release documentation for all its API's so that Windows compatible operating systems may be created. Otherwise, competition in the operating system market will never exist. Microsoft must also be prohibited from using restrictive licensing terms and intentional incompatibilities, as it done in the past for would-be competitors. Though the issue of a competitive operating system market should have been a key part of any Anti-trust case against Microsoft, the proposed settlement does not address it at all.

In addition, I feel the proposed settlement lacks a means to enforce itself.

Sincerely,
Eric M. Schatz

MTC–00019166

From: Kevin Heater
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Kevin Heater

MTC–00019206

From: metalhed@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

Hello,

While I am not a U.S. citizen the effects of Microsoft (MS) as a U.S.-based company does have influence on my everyday life.

As a 25-year-old student in the Netherlands I can say that:

(1) I'm not very financially self-sufficient (in other words: I haven't the money to pay for software)

(2) For all the work I'm required to do I need MS software products and third party software that ONLY works with the MS Windows operating system (OS)

(3) There's no way to use proprietary-format documents on MY CHOICE of office-productivity software but MS Office. Hence the need to borrow a computer elsewhere or make ''illegal'' copies of it.

In a nutshell what I am trying to say is: I want CHOICE! I want the freedom to choose for myself again what I work with without it being thrust upon me by my employer/educator/otherwise. MS and its platform is so ubiquitous, so omnipresent it's sickening and revolting.

The only place I can decide for myself HOW I do what I need to do is at home where I successfully use other (free) operating systems such as FreeBSD, Linux, OS/2, BeOS.

I actually enjoy using 3 different internet browsers.

But because MS Internet Explorer (MSIE) is used by 70% (or was it 90?) of the world's browsing public AND has many proprietary (thus: secret) formatting working inside, more and more websites only cater to the MSIE-using public (it's simple economics) leaving the rest out in the cold.

This includes more and more GOVERNMENT websites for which citizens pay yet many can't use as we are denied acces for not using a ''correct browser''.

If only the MS strongarm tactics would cease for a while, the world+dog would realise how counter-productive this situation is. Sadly, most new computer users and businesses and retailers are as complacent as they are gullible MS consumers.

I WANT CHOICE!

Thank you very much for the opportunity to comment.

Sincerely,
Mike Neman

MTC–00019207

From: Mcsoccer
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

Hi,

My name is Matthew Colyer. As a citizen of the United States I feel that Microsoft Settlement is inadequate. It does not deal with the issue of Microsoft's restrictive licensing agreements with OEMs. I would like to be able to buy a computer without Microsoft Windows and not pay the licensing fee if I choose.

MTC–00019209

From: Dan Shown
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft needs to be penalized HARD for their bad behavior!

Thank you!
Daniel E.C. Nunez-Shown
Administrative Secretary
Philosophy Department
Saint Louis University
3800 Lindell Blvd., HU 130
Saint Louis, MO 63108
mailto: shownde@slu.edu
http://www.slu.edu/colleges/AS/philos/
tel 1.314.977.3149
fax 1.314.977.3696

MTC–00019210

From: Claburn, Thomas
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

Dear Justice Department,

A fine is insufficent for a company with $20 billion in the bank and a monopoly to recoup any losses. Ultimately, operating systems should not be in private hands. They should be open, like other critical resources such as the ocean or the highway system. Demand that Microsoft make its source code public. Or accept Judge Jackson's plan to break the company in two. Regardless of his poor judgement, he had the right idea.

Thomas Claburn, Senior Editor
Ziff Davis Smart Business Magazine
50 Beale Street, 13th Floor, San Francisco, CA 94105 415/547–8122 (v) *
415/547–8029 (f)
http://www.smartbusinessmag.com
http://www.lot49.com

MTC–00019211

From: Michael Ebert
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

Indeed, Microsoft has pulverized many of its competitors. And not by having better products, mind you, or by merely pursuing its own success, but by actively limiting its competitors'' chances of success. I hope that the subtleties of these differences in approach will not be lost on you; therein lies the whole concept of ''unfair business practices''.

The proposed settlement does little to reverse or repair this damage; if Microsoft should be forced to donate to needy schools, it should be forced to donate its competitors'' software and hardware solutions exclusively. This will increase its competitors'' market share and help make inroads toward fairer competition in Microsoft's markets.

Thanks for your time and attention.
Sincerely,
Michael Ebert

MTC–00019212

From: Kris Tucker
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

I believe the settlement, as is, is very inadequate. more needs to be done to limit Miscrosoft's monopolistic tendencies. Free market encourages competition, but microsoft does not. it is not in the best interest of anyone (those financially tied to miscrosoft aside) to allow them continue their systematic elimination of anyone who can compete. technology is so tightly ingrained in the future of our lives, indeed most likely all of humanity, to allow one company to control the market. listen to the people. give us what we want. its your job.

MTC–00019213

From: bruce parks
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: microsoft settlement

I think that it is an outrage that companies such as microsoft are able to buy their way out of legal difficulty. I think that the judicial system is setting a poor example for the already jaundiced American people when it comes to accountability and fairness is business practices. Somewhere, sometime, someone must begin to hold business to a set of ethical standards that is is keeping with who we say we are as Americans. Without such accountablity we will continue to see companies exibiting the cavalier attitudes of Microsoft and Enron.

Bruce Parks

MTC–00019214

From: Benjamin Hannon
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

Hi,

I wanted to notify you on my disgust with the current settlement pending for the Microsoft Trial. Personally I feel this settlement is no more then a slap on the wrist. This is not Microsofts first offense of anti-competitive practices. Personally I feel barring the idea of a Microsoft break-up was poor decision. Personally I feel breaking up Microsoft is one of the only ways to solve this problem. It was done to IBM, AT&T, and others so why was that option removed for the Microsoft case. Personally it looks like favortism to me.

Thank you for your time reading this.
Benjamin Hannon
PC Applications Programmer
Williamsport, PA

MTC–00019215

From: Matt Helsley
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As an engineer who has watched with suprise the continuing business practices of Microsoft corporation, I am shocked to find that the proposed settlement between the United States and Microsoft lacks any remedy whatsoever. In fact, the settlement seems to condone Microsoft's behavior. The settlement legitimizes anti-competitive behavior that cripples the open source community—widely regarded as the primary force capable of competing with Microsoft. Also, I do not believe a board of 3 people will be capable of impartially overseeing the business practices of Microsoft. I believe another remedy, that is not subject to manipulation by Microsoft, should be found. The compromise of some of their intellectual property should be the price they pay for over a decade of anti-competitive behavior.

Sincerely,
Matthew Helsley

MTC–00019216

From: Don Krause
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

I strongly disagree with the proposed Microsoft settlement, where Microsoft will provide 1 billion dollars of equipment and software to under privileged schools.

The big problems are:

1> That is traditionally an Apple Computing Stronghold. How is letting Microsoft push out it's LAST major competitor in the market where Microsoft is weakest, punish Microsoft's anti-competitive behavior?

2> The so-called ''donation'' of software to these same under privileged schools, is going to lock them into the HIGH DOLLAR cost of yearly upgrades, and with Microsoft's new ''Open License'' program, it will cost these schools millions in yearly support fees. How does forcing these under privileged school to pay Microsoft millions of dollars each year punish Microsoft for it's behavior?

Please reconsider this settlement, as it only BENEFITS Microsoft. Don Krause, ph:
909.799.8327 Systems Administrator, page:
909.512.0174
Optivus Technology, Inc, e-mail:
dkrause@optivus.com

MTC–00019218

From: Paonia Ezrine
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

I think the proposed settlement is VERY bad idea.

Thanks
Paonia

MTC–00019219

From: Andrew Trieger
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: I support microsoft breakup.

I feel the people will be best served by splitting microsoft into two companies, one that builds and maintains and improves the operating system and one that does the same with applications that run on top of the operating system.

For definitions of what is ''an operating system'' and what is ''an application'', industry leaders, academia and other knowledgeable people should be polled, as its common knowledge in the computer science industry what constitutes each. It is only Microsoft that tries to blur the line between the two.

Thank you,
Drew Trieger
Chicago, Il.

MTC–00019220

From: Tom and Naomi George
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

Dear Renata B. Hesse,

I think the proposed Microsoft settlement is a bad idea. As a linux user and a windows user I am concerned that the settlement does not sufficiently redress the fact that Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. I am an independent scholar and my field of expertise is not computer science, but I depend on my computer system to give me secure and reliable operations. I can no longer depend on Windows alone to accomplish this. One of my main concerns has to do with future compatibility of new documents and archives of documents. Many Microsoft documents are specific to windows and cannot be opened under other systems. Worse, developers who wish to create portable systems cannot even be assured they will receive information needed to develop those systems because no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry. Moreover, information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

Thanks,
Tom George
270 Roycroft Avenue
Pittsburgh, PA 15234
412–563–1164

MTC–00019221

From: Raj Singh
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

I feel that the proposed settlement is much too weak because it does not address Microsoft Office, Microsoft .NET, or security protocols. Microsoft Office

A large part of my many people (myself included) feel that they must own and run a Microsoft operating system is to communicate with Microsoft Office users. The file formats for Office documents should be open and available. Security

Many in the developer community are worried about being shut out of developing

applications that work with Microsoft operating systems and applications because they won't have access to the security protocols being used. The settlement addresses transfer protocols, but needs to better address the authentication and encryption of the messages being transferred.
Microsoft .NET

I run a software company that builds Web services as its business. We have a small software niche, and therefore need to interoperate with software from other companies. We happen to deploy our services on machines running Unix operating systems. This means we are afraid of being unable to interoperate with Microsoft .NET services, which might destroy our business, or force us to be .NET developers. This is the most important hole in the settlement, as Microsoft executives have stated that they expect .NET to be the future of all application deployment.

Thank you for the opportunity to comment on the proposed settlement.

Sincerely,
Raj Singh —
Raj Singh, Syncline
rs@syncline.com
+1(617)986–1000 x205
373 Washington Street
Boston, MA

MTC–00019222

From: Miles Johnson
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe this settlement is not adequate given the findings of fact in the trial. The courts have repeatedly tried to change Microsoft behaviour. The past attempts have not worked. The proposed settlement is just more of the same. The provisions within the settlement only formalize the status quo. In the past Microsoft has benefited greatly by ignoring the letter and spirit of judical decrees. The proposed settlement again attempts to improve their behaviour by decree. It did not work before. It will not work now. In order to be effective, I believe that a solution should include serious structural and punitive components. The proposed settlement lacks both of these elements. To be just, it must punish past law-breaking. To be effective it must change Microsoft or it's environment so that it will stop damaging the interests of the United States. At the very least, something has to change so that Microsoft is not richly rewarded every time they break the law. The proposed settlement is unjust, incomplete and non-functional. While the Court's desire to achieve a settlement is well-intentioned, it is wrong to adopt an non-functional settlement just for settlement's sake.

Miles Johnson
miles@cc.usu.edu
245 W 375 N
Hyde Park, Utah 84318

MTC–00019223

From: Michael Turk
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Michael Turk
6262 Rapidfall NE
Belmont MI 49306
verence1@attbi.com

MTC–00019224

From: Mike O'Donnell
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I would like to comment on the proposed Final Judgment in United States v. Microsoft, as provided in the Tunney Act.

I find that the proposed judgment is insufficient by a large margin to restore healthy competition in the computer operating systems and software application markets, so it is not in the public interest and should not be affirmed by the court.

The proposed Final Judgment attempts to remedy Microsoft's established illegal anticompetitive practices by prohibiting particular forms of conduct involving overly restrictive licensing terms, terms that vary in order to reward those who accept and punish those who contest a Microsoft monopoly, and terms that make switching to competing products more difficult or more costly. It also prohibits certain forms of retaliation against OEMs who support products competing with Microsoft's products. It also requires Microsoft to disclose APIs and communication protocols for its products under certain circumstances and for certain purposes.

It is inherently difficult, and perhaps impossible, to remedy Microsoft's particular forms of illegal anticompetitive behavior through conduct remedies. Both the underlying concepts in which conduct remedies are defined, and the particular anticompetitive techniques used by Microsoft change far too rapidly, and Microsoft itself has far too much influence on those changes, for them to serve in the foundation of effective conduct remedies.

The remedies in the proposed judgment refer to concepts of ''API,'' ''operating system,'' ''middleware,'' ''application,'' ''platform software,'' ''top-level window,'' ''interface elements,'' ''icons,'' ''shortcuts,'' ''menu entries.'' The definitions of these concepts are not robust and timeless. Compared to concepts in other branches of business and engineering they are relatively ephemeral, controversial, dependent on rapidly changing technological context, and subject to deliberate manipulation by Microsoft. For example, an ''operating system'' in the 1960s was a software system to organize the basic functionality of a computer, and it contained little or no user interface code. In the 1970s ''operating systems'' often contained substantial collections of utility applications and rudimentary interactive user interfaces called ''shells.'' In the 1980s, the X Window system was created as a form of what is now called ''middleware'' to provide a graphical interactive user interface, used widely in conjunction with Unix operating systems. Apple and Microsoft created similar graphical interactive user interfaces, but defined them to be parts of their operating systems, rather than additional middleware. In the near future, distributed and network computing are likely to make it quite difficult to determine the boundaries of a single operating system. In the past, Microsoft appears to have deliberately manipulated the boundaries of such conceptual categories to create and preserve a monopoly position, and I expect it to continue such practices in the future. The proposed judgment provides definitions that narrow these already problematic concepts even further, making them even more vulnerable to deterioration due to technological change and to manipulation by Microsoft.

Furthermore, the particular conduct requirements in the proposed judgment are far too narrow. Every one of the requirements is weak in some way. For example, consider the requirement to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product .... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Microsoft and other software vendors like to treat their Applications Product Interfaces (API) as intellectual property. But in good engineering practice these are key parts of the warrantable specifications of a product. This holds in particular for operating systems and middleware, which by their nature are especially intended for, suitable for, and often useless without interaction with other software products. APIs define the quality of that interaction, but they do not provide it. The implementation of an API in program code (which is naturally protected by trade secret, copyright, and patent law) provides the quality of interaction defined by an API. Without access to the complete API, the licensor of an operating system cannot

employ the system freely in the way that good software engineering practice suggests. With complete public access to an API, a software company may still protect its implementation of the API, which contains the real value that it has created. Keeping an API secret does not correspond to keeping the inner workings of a product secret. Rather, it corresponds to keeping the precise function accomplished by that product secret.

So the public interest calls for the widest possible dissemination of API documentation. But the proposed judgment explicitly calls for disclosure of APIs ''for the sole purpose of interoperating with a Windows Operating System Product,'' and only the ''APIS and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This excludes the use of information about the API to provide competitive platforms for running Windows-compatible software. Keep in mind that Windows-compatible software does not necessarily come from Microsoft. Microsoft benefits from the value added to its operating system products by a large number of less powerful software houses that create Windows-compatible software. By holding the Windows operating system API secret, Microsoft in effect keeps crucial information about other companies'' software applications secret, denying those applications the value added by competing operating systems on which they may run.

Compare the Windows market (and the preceding DOS market) to the Unix/Linux/Posix market. Microsoft uses secret and changeable APIs to effectively eliminate competition to provide alternative operating systems running Windows applications. A competing operating system must use different APIs, and therefore cannot support all of the same applications. By contrast, the Posix standard is a completely public API for Unix/Linux. Various companies, such as Sun Microsystems, compete to provide different implementations of the Posix API. Consumers may run Unix/Linux applications on any of these operating systems.

Similarly, in the hardware market for processors, the specification of the x86 instruction set architecture (the hardware analog to a software API), is public. As a result, AMD competes with Intel to implement that architecture, with immense benefit to the public interest. Similar publication of standards in the overall functionality of personal computers led to the immensely beneficial competition among makers of IBM-compatible PCs. The failure to disclose Windows operating system APIs destroys the possibility of similarly beneficial competition among vendors of operating systems.

Very similar considerations to those raised above for APIs apply to communication protocols (for which the proposed judgment provides limited disclosure) and to file formats (not covered in the proposed judgment). Note that Adobe made full public disclosure of its PostScript and PDF formats, compared to Microsoft's secrecy regarding Word formats, and that this disclosure served the public interest immensely by promoting the wide availability of PostScript and PDF printers and viewers.

There are many other detailed shortcomings of the proposed Final Judgment, including the remaining conduct restrictions and the enforcement methods. I expect that other correspondents will treat some of them.

Sincerely yours,

Michael J. O'Donnell

Professor in Computer Science and the Physical Sciences Collegiate Division The University of Chicago

Senior Fellow in the Computation Institute of The University of Chicago and Argonne National Laboratory

MTC–00019225

From: Chris Verwymeren
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is one of the poorest punishments I have ever seen. Microsoft has had a strangle hold on the computer industry too long and it is time to allow other companies to have a chance so that ''free enterprise'' may be a term that actually rings true.

MTC–00019226

From: Brian Redoutey
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

I Feel that the current proposed settlement is flawed. The U.S. government should not agree to it. —

My email address is brianredoutey@twmi.rr.com

My ICQ# is 14365452

MTC–00019227

From: Paul Williamson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:07pm
Subject: Microsoft Settlement

bad idea, Microsoft is getting off too easy for uncompetitve practices, and they are still trying to control the market with sneaky tricks instead of with a better product.

Paul Williamson; A.Q. Chemist
SCAQMD
(909) 396–2189

MTC–00019228

From: Charles F. van der Walt
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

In regard to the proposed Microsoft Settlement—I am very strongly opposed to the court accepting this settlement.

An alternative remedy must be found that is more equitable to the Citizens of the United States

Yours sincerely
Charles F van der Walt
12090 Pete Smith Rd
Athens, OH 45701

MTC–00019229

From: Pete
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

I'd like to say that I feel that the Proposed Final Judgment conditions of this case are too weak and to specific and that they will allow microsoft to continue to bully and threaten others in the OS and software business. To weak, in the lack of any listed punishments for violation, or ways in which they(the proposed restrictions) will be enforced. Too specific in that it still leaves loopholes open by which microsoft will still be able to NOT release information that would allows competitor to freely compete. Further more, microsoft continues, (even during the anti-trust hearings) to sue, and bully competitors who should be protected by this settlement. The proposed settlement would let microsoft off easy and allow them to continue to threaten others in ways the are not always clear. In some case the very threat of MS is enough to bring down competitors. I feel that the proposed settlement does not go far enough and should be rewritten to include future OS, software, and prevent MS in any way, shape, or form from preventing others from competing.

P.S. make sure to avoid logical flaws(ex. requirements that others must meet but that MS may change at any time)

Peter Osheroff

MTC–00019230

From: Jim
To: Microsoft ATR
Date: 1/23/02 7:13pm
Subject: Microsoft Settlement

I find the proposed Microsoft Settlement totally inadequate and contrary to the best interests of the citizens of the United States. It secedes the entire Personal Computing industry to Microsoft. At a minimum any settlement should require unbundling the software from the PC hardware and prohibit vendors from requiring the purchase of a Microsoft operating system with their products. I don't do Windows why do I have to pay for it and subsidize a monopoly.

James Giacchi
Warren, New Jersey

MTC–00019231

From: ross
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

Please help consumers and the economy by restoring competiton in software. If I want to use some alternative to Microsoft products I must first buy a computer with Microsoft products on it, then remove it, then install the alternative software. But of course no new competitor can ever arise to challenge Microsoft on those terms. If I make product X and somebody must give Microsoft $100 before they can even try my software how can I possibly compete against that? IBM was investigated for anti-trust but never convicted. Still they were not allowed to pre-install their software onto their computers.

That was a wonderful remedy. Banning pre-loads let sunshine down to the forest floor; An opening for new companies to grow up and innovate. IBM had been overly conservative, obsessed with forclosing distribution channels to their competitors rather than producing inexpensive and innovative products for regular people.

Banning IBM software pre-loads made an opportunity for Microsoft. Now Microsoft has grown to be as oppressive as IBM ever was. They seem obsessed with blocking the growth of upstart companies rather than developing anything of their own. New versions of Windows haven't offered consumers anything to get excited about. Banning Microsoft pre-loads would set the stage for the ''next Bill Gates'' to come in and do something new and exciting that will capture the public imagination and fire the economy. That certainly won't happen until the government gives the current Bill Gates an ultimatum—''Lead, Follow or get out of the way .'' Simply preventing the emergence of competitors might be good for his bottom line, but it isn't innovation and it doesn't do much for the rest of us who don't happen to live in Redmond. Consumers must have alternatives available to them as an option. The only way to guarantee that is to ban software pre-loads. IBM survived this penalty and Microsoft will too. Allowing continued Microsoft software pre-loads would be a government sanctification of Microsoft's monopoly and a blessing to go forth and stangle more innovative babes in the crib like Netscape.

—Ross Nesbitt

MTC–00019232

From: Joseph Hume
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

My Opinion for what it is worth I hope that the book is thrown down HARD against Microsoft and the extremely monopolistic practices they have used to stifle innovation and restrict trade with their products.

I feel that the best remedy would be to disintegrate Internet Explorer, Outlook Express, Microsoft Messenger, Office and any number of other programs from Windows, and second, To publish every hook, API and call used to integrate Internet Explorer, Office, Microsoft Messenger, Outlook Express and every other program Microsoft has bundled with it's operating system.

Again, My opinion for what it is worth.

—Joseph Hume CNA CCNA MCSE BOFH
Network Administrator
Isothermal Systems Research
511 3rd Street
Clarkston, WA 99403
v 509.758.2613
f 509.758.1280

MTC–00019233

From: Niemi, Timothy
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:11pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you because of my concern over severe inadequacies in the Proposed Final Judgment in the Microsoft Antitrust case. I am a software engineer and have been in this business professionally for 13 years. I believe that Microsoft's behavior has stifled innovation and competition, and has hindered much needed progress in the software industry. The flaws in the settlement are so obvious that I feel that I would be wasting my time in discussing them. My honest opinion is that these flaws are intentional and that the justice system has therefore failed miserably and intentionally. I don't mean to be rude, that's just the way it looks to me.

I will propose an alternate remedy for some of the technical problems. The business problems require addressing as well but that is not my area of expertise. Requiring Microsoft to document all of their API's is a good first step and I will expand on this idea. Microsoft's monopoly power is derived from their control over computing standards especially document standards. In my experience companies purchase new versions of Microsoft software not because it is the best software but because these companies have a legacy of documents in the various Microsoft formats, Word, Excel etc. If there were a competing product with 100% compatibility, I assure you these companies would not hesitate to switch if they believed the competing software was a better deal. As it is, companies have no real choice in upgrading their software. Even if there is a competing product with better performance and even a better price, the issue of document level incompatibility makes these products a non-choice. Requiring Microsoft to rigorously document and publish the internal format of their documents would provide a level playing field for competition. Competing word processor XYZ with 100% MS Word compatible document formats would be a very attractive product for many consumers and businesses. These document formats change with each new version of Word, therefore the formats would need to be finalized and released well ahead of any new version of Word. Otherwise competitors will be playing a never ending game of catch up and Microsoft will always be one step ahead.

It is worth noting that networking standards are also being manipulated by Microsoft. This is an area ripe for corporate exploitation and it is in the public's best interest that this area not be controlled by a single entity. Similar safeguards need to be in place in this area. In closing I would just ask that you please consider carefully what is in the public's best interest. If the situation continues unabated, we can all look forward to continuing decades of unreliable, low quality consumer level software. Home computers can and should be as reliable as any other home appliance. Why is it that our expectations of performance in this area are so much lower than that of other home appliances?

Sincerely,
Timothy Niemi

MTC–00019234

From: Jerry Stewart
To: Microsoft ATR
Date: 1/23/02 7:15pm
Subject: Microsoft Settlement

I believe the Microsoft Antitrust Settlement is a bad idea because it does not really punish Microsoft. It actually allows them to use the Education system in our country to ''hawk'' their products to up and coming generations. This is a really bad idea!!!!! Please do not allow it to be finalized.

Jerry Stewart
828 North 380 West
Provo, UT 84604–3304

MTC–00019235

From: Glen Stewart
To: Microsoft ATR
Date: 1/23/02 7:18pm
Subject: Microsoft Settlement

Dear Dept. of Justice,

I feel that the suggested remedy to Microsoft's monopolistic behavior is counterproductive, and actually serves to further their stanglehold on the computer industry.

Microsoft has plenty of two things: money and software. Asking them to give up either will have no impact on their behavior.

Here is the solution I support—proposed by Red Hat, Inc:

Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

* Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

* Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

* Red Hat will provide online support for the software through the Red Hat Network.

* Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. A Win-Win Approach

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

Sincerely,
Glen Stewart
733 Story Dr.
Fairfield, OH 45014

MTC–00019236

From: Lynn Thomas
To: Microsoft ATR
Date: 1/23/02 7:17pm
Subject: So I heard today that AOL is suing MS for basically the same things that the DOJ did. They want mon

So I heard today that AOL is suing MS for basically the same things that the DOJ did. They want monetary damages and they want to uncouple internet explorer from windows. The irony of this is that 2 years ago, AOL bought Netscape, which has always been IE's leading competitor in the browser market.

BUT—AOL continued to use IE, not Netscape, as the browser presented to its subscribers. Yet they want financial compensation from Microsoft for ''killing'' Netscape by integrating IE with Windows, even though AOL themselves have some 33 million subscribers who they force to use IE over their own

Netscape browser. Now how much sense does this make to you?

MTC–00019237

From: Paul Blair
To: Microsoft ATR
Date: 1/23/02 7:17pm
Subject: Microsoft Settlement

Microsoft's business practices are not going to improve if slapped gently on the wrist. The proposed settlement is not sufficient. Please, don't let this proceed.

Paul Blair
15 C Edgewater Circle
Bluffton, SC 29910

MTC–00019238

From: Gregory Shaw
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

To whom it may concern:

Please count my email against the microsoft settlement. Microsoft has a history of predatory practices, from DR DOS, to Novell, to netscape. I find it revolting that the settlement would allow microsoft to increase it's market share in the education market (current dominated by apple) as a ''remedy'' to monopolistic practices.

Thank you.

Gregory ShawProgrammer, SysAdmin
fmSoft, Inc.Network Planner

MTC–00019239

From: BillJensen@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

I would like to add my name to the list of citizens opposed to the settlement with Microsoft. It is a victory for a company that disregarded the law, and still practices with a monopolistic attitude. As an individual citizen, I would not be allowed to snub my nose at this country's laws as they did. And had I broken the law, I would not be offered a tap on the wrist such as has been offered. Their actions were wrong, and the settlement rewards their actions by having no reasonable deterrence by penalizing them sufficiently. They will continue to arrogantly defy the laws of the land, and this settlement encourages such action even on a simple profit basis. The penalty has to be large enough to discourage such actions in the future.

Bill Jensen
7405 Ridge Oak Ct
Springfield VA 22153

MTC–00019240

From: Felix Miata
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

The proposed settlement would be a gross injustice. Please ensure that it does not get accepted as proposed.

''Unless the Lord builds the house, its builders labor in vain. Unless the Lord watches over the city, the watchmen stand guard in vain.

Psalm 127:1 NIV

Felix Miata *** http://mrmazda.members.atlantic.net/

MTC–00019241

From: Melody Dingman
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

January 23, 2002

Judge Colleen Kollar-Kotelly United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

I have read the proposed consent final judgment for USA versus Microsoft. As an American and a taxpayer, I am quite disturbed by the proposed settlement.

It would seem the US Department of Justice allowed Microsoft to place many provisions in the agreement that can be used to undermine the free software movement. Under J.1 and J.2 of theproposed final order, Microsoft Corporation can withhold important technical information from third parties simply based on the idea that Microsoft does not certify the ''authenticity and viability of its business,'' yet it turns right around and describes the licensing system for Linux as a ''cancer'' that threatens the end of both the intellectual property rights system and the future of research and development. Wouldn't this licensing freedom simply allow R&D to flourish?

This proposed agreement provides Microsoft with a plethora of strategies to undermine the development of free software. Free Software depends on the free sharing of technical information with the general public, taking advantage of the collective intelligence of the users, who collaborate on improvements in the code. If Microsoft can strangle the access to technical information under a plan sanctioned by the court, and then use its monopolistic power over their clients to migrate users to proprietary Microsoft interfaces, it will stunt the development of any competitors. People would be locked in with Microsoft with no alternatives, as Microsoft continues to hike up its prices for its inneficient products. The movie industry is even known to joke about Microsoft products. A recent space film showed several astronauts gaining control of their craft only after the entire system was ''rebooted'' due to unknown problems with the software! Consider what Eric Raymond said about the way Microsoft products operate: ''Millions of people think that it's right, it's normal to have an operating system so fragile that it hangs and crashes three or four times a week and has to be rebooted every time you change anything deeper than the wallpaper. (Expletive deleted), we knew how to do better than that in 1975!''

In the Halloween documents, published widely on the net, Microsoft executives sent internal memorandums to key personnel suggesting they ''dig deeply'' into their customers'' computer networks and eliminate any applications of Linux or Unix they found there. I believe the proposed settlement does not address this issue.

Microsoft is also given a very short period wherein they would be required to monitor themselves. Five years is hardly a flash when you consider the case has been in court for at least eight years already. And even within the brief period of the term of the agreement, Microsoft has full license to influence the enforcement effort. Microsoft, despite the courts'' decision that they were indeed operating illegally, is given the right to select one member of the three who would be on the Technical Committee>

That person would then help in selecting the third member. The committee is sworn to secrecy, denying the American public any information on Microsoft's compliance with the agreement. They are even PAID by Microsoft, working inside Microsoft's headquarters. It has been suggested that the public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine any enforcement that would do less to make Microsoft accountable for its actions in the past, which is probably why Microsoft accepted its terms.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll and give them staff and the authority to inform the public of progress in resolving compliance problems. Include an annual report that could address complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for Microsoft would be difficult to fathom, since they have revenue of over one billion dollars a month! But one might make these fines more proactive by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly.

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is not a first time offender, and has never shown remorse for its conduct. They simply repeatedly attack the motives and character of officers of the government and members of the judiciary to justify their

means to the ends. After its long history of evasion of antitrust enforcement and its extraordinarily anticompetitive practices recognized as illegal by the entire DC Circuit court, it is amazing they should be told to monitor themselves as discipline for not monitoring themselves! In one article I read recently, I noticed a settlement of one of the cases against Microsoft included allowing Microsoft to provide the schools across the country with free computers and software. Hmn. Tell a company with a monopoly they can insert their products into the last arena of their competitors. MacIntosh provides the government with computers for schools across the nation; I am sure Microsoft would love to displace them! Someone isn't thinking clearly in DC.

Please consider all the criticisms of the settlement proposal and please take the time to educate yourself about the ramifications of another weak disciplinary action against Microsoft. I believe the public wants more from its court system.

Thank you for your time.

Melody Dingman

MTC–00019242

From: Roy Quitter
To: Microsoft ATR
Date: 1/23/02 7:21pm
Subject: Microsoft Settlement

I urge the Department of Justice to carefully review every last word of the proposed settlement in the Microsoft antitrust case, keeping in close mind that Microsoft's many political contributions do *not* entitle it to get away with nothing more than a slap on the wrist.

MTC–00019243

From: Robert Kluherz
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Robert Kluherz
PO Box 33195
Shoreline, WA 98133–0195
January 23, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice: THE KEY ISSUE HAS ALWAYS BEEN THE USE OF RESTRICTIVE CONTRACTS BY MICROSOFT. MICROSOFT SHOULD BE PREVENTED FROM MANIPULATING CUSTOMERS, COMPETITORS AND SUPPLIERS BY RESTRICTIVE CONTRACTS

Sincerely,
Robert Kluherz

MTC–00019244

From: George F. Nemeyer
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

I wish to take extreme exception to the proposed Microsoft settlement terms. In particular, the current settlement provisions make a laughing stock of ''oversight'' of anti-competitive, monopolistic practices of which Microsoft has been found guilty. The continuing stifling of competition by Microsoft's ''innovation'' which is their catch phrase for taking third-party ideas and folding them into their monopoly-positioned Windows operating system has continued. They all but killed Netscape, and are now poised to do the same thing with media players, photo processing, and other ''applications''.

Additionally, the terms of the settlement do not address the issues of Open Source software interoperability or alternative platform/OS interoperative software development. Microsoft will still be allowed to corrupt existing and developing programming standards into ''proprietary'' Microsoft mutations. They have done this already with a number of Internet standards, most notably with the Kerberos security suite which they plan to use in their .NET initiative. Any satisfactory settlement *MUST* ensure that open source and commercial competitors are provided with low-level programming details sufficient to preclude further Microsoft monopoly entrenchment. The current provision which allows Microsoft itself to define which companies are ''legitimate competitors'' means they may simply ignore any other than those playing on their terms. It's a farce.

I urge you to reject the current settlement terms and seek a solution which provide real teeth in dealing with Microsoft's continuing anti-competitive practices.

George Nemeyer

MTC–00019245

From: Sam
To: Microsoft ATR
Date: 1/23/02 7:18pm
Subject: microsoft settlement comments

To whom it may concern:

these should be the minimum requirements for a settlement. a.. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. a.. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

a.. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

a.. And the porting of the office suite and other Microsoft Development suites (vb, visual studio, etc) to other platforms such as Mac, Solaris. and Linux.

Sam Weinstein MCSE,CNE,PPC
sam@autographsolutions.com

MTC–00019246

From: Ahmad Baitalmal
To: Microsoft ATR
Date: 1/23/02 3:14am
Subject: Microsoft Settlement

Dear Sir or Madam,

I'm sending you this email to add my voice to the many voices asking to be heard regarding the Microsoft Settlement. While I do appreciate the efforts and hard work of your department in this matter, I do believe some key points have been missed. These points have been explained in great detail by Mr. Dan Kegel in his ''Open Letter to DOJ Re: Microsoft Settlement'' (http://www.kegel.com/remedy/letter.html). I have co-signed that letter also.

From my perspective as a software developer and as a decision maker in my organization, I have experienced the effects of Microsoft's anti-competitive practices first hand throughout my career. Through it's dominance, Microsoft has established it's proprietary APIs, Communication Protocols, and File Formats as global standards. Yet these global standards are still 100% under Microsoft's control. Many efforts to compete with Microsoft in serious fields have had to fight a technical uphill battle only to be thrown off by a change in the API or a new ''feature'' incompatibility.

Microsoft claims that it's competitors are using the legal system instead of competing on the technical level. In reality that is exactly what these competitors are asking for; opening up the APIs, the Communication Protocols and the File Format standards will level the playing field. It then becomes a matter of pure technical superiority that determines market share dominance and not marketing, entrapment, or intimidation muscle. That will unleash the industry's potential energy and benefit the economy and the American people.

With kind regards
Ahmad Baitalmal
ahmad@etelos.com
IT, Etelos
1569 NE Hawthorne Sq.
Issaquah, WA 98029

MTC–00019247

From: Timothy Shawn Maynard
To: Microsoft ATR
Date: 1/23/02 7:19pm
Subject: Microsoft Settlement

Dear Sirs:

I am a controls engineer. Due to Microsoft's Monopoly they were able to squash

competition and harm competitors unfairly. This goes back to the mid 80?s and the early 80?s when they used their business edge to overrun the home pc market. Microsoft has a history of predatory actions. The only proper remedy is to breakup Microsoft.

Tim Maynard

MTC–00019248

From: Brad Miller
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Brad Miller
Phoenix, Arizona
bmiller@asu.edu

MTC–00019249

From: Justin White-Lowther
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

It is my opinion that the proposed settlement of the Microsoft anti-trust case is a wholly inadequate remedy to such anticompetitive practices as have been established by the court. Particularly egregious is the failure of Section III.A.2 to forbit retaliation against OEMs which ship personal computers including a single non-Microsoft operating system; this allows Microsoft to use its market dominance to force the inclusion of Microsoft operating systems on all personal computers produced by an OEM. The OEM must then choose between including and supporting two operating systems on every system or the Microsoft operating system only. As the former choice will often be relatively expensive and impractical, this section will, while nominally allowing competition, sanction the occurrence of said ''competition'' upon uneven terms, effectively reinforcing the established monopoly.

For this reason, I strongly urge the rejection of this proposed settlement.

Justin White-Lowther
Athens, Ohio

MTC–00019250

From: Kyle Mandli
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

This will be short and to the point (as I really don't have the time to get into the specifics which I am sure a multitude of people already have.) I am a programmer for a company that uses Microsoft Windows, Apple's Max OS X and Linux. As developers we feel directly the pressure that Microsoft exerts on our industry to program for the Windows platform leaving us less resources to truly make great products, especially for the other platforms mentioned above. They have the power to select who is competitive in the industry by including them in their operating system (i.e. Kodak.) It is my belief and the belief of others that I have talked to that not only is Microsoft undermining the ability for other companies to compete with them but, more importantly, they are stifling the creativity and progress of the entire industry. Now to the proposed settlement. After looking at it I could probably write pages upon pages of comments on the act but I think that the following web page illustrates the problems with the act. www.kegel.com/remedy/letter.html

In conclusion, I appreciate the fact that this has been opened up to the public for comment and I hope that you at the DoJ can filter out the comments motivated from Corporate Sponsors from both Microsoft and Sun.

I thank you for your time.

Kyle Mandli
Software Engineer / Researcher
University of Wisconsin—Madison
Mandli Communications, Inc.

MTC–00019251

From: John Fabiani
To: Microsoft ATR
Date: 1/23/02 7:19pm
Subject: Microsoft Settlement

As normal user of computer products I demand that you breakup Microsoft. I am a firm believer that microsoft has done me personal harm in it's business practices.

John Fabiani
Woodland, CA 95776

MTC–00019252

From: ANDREWS SUMNER
To: Microsoft ATR
Date: 1/23/02 7:22pm
Subject: Microsoft Settlement

By not reigning in Microsoft as the Findings of Fact indicate the DOJ should, you have missed the one real opportunity to prevent this company from exerting its monopolistic behavior on a major portion of the US economy over the next several decades. You will look back on your decision and sorely regret your spineless response.

MTC–00019253

From: Jay Maynard
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is a very bad idea, as it completely ignores any past conduct on Microsoft's part and trusts them once again to change their behavior, even though they have demonstrated in the past a strong unwillingness to do anything but find and exploit loopholes in settlement language—and there are plenty of loopholes in this one. It should be significantly modified and strengthened, if not scrapped altogether.

James R. Maynard, III
Fairmont, Minnesota

MTC–00019254

From: William Clements
To: Microsoft ATR
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please don't screw up Microsoft like AT&T. The last thing we need is a more screwed up Microsoft. They may have a stronghold, but that stronghold works. The more damage done to Microsoft the worse everyone in the industry is.

Thanks.

William Clements
President/CEO Web: http://www.envalia.com

MTC–00019255

From: Larry Resch
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

To whom it may concern.

I feel that you are caving in to whatever political pressure has been brought to bear regarding the pitiful settlement in the Microsoft case. Microsoft has been found (and upheld in appeals) to be a predatory monopolist and all the DOJ is doing is slapping them on the wrist and allowing them to continue to buy/steal/lie/cheat to gain market share in new markets and retain control in their existing markets. Past experience with Microsoft should show you that Microsoft will squirm around any rules that are invoked and not have to follow anything but their own instinct for domination of any market that they want. I feel that you should step back and listen to people that are not on Microsoft's payroll (including the politicians) and force some harsh penalties on them. Microsoft is not responsible for the economy and is not the sole support for the IT industry. Bringing competition back into the market will have a greater and more meaningful impact on the industry than allowing Microsoft to continue their dominance. Do not allow Microsoft to continue bundling anything they want into the operating system especially when its sole pupose is to gain market share from others. We are not crying for more capabilities (which also translate into more security holes for hackers)—we want an operting system that is stable and will allow us to get the best software out there to use on it!

Your current settlement stinks!

Larry Resch

MTC–00019256

From: Ben
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a very bad idea, please use serious consideration in this matter!

MTC–00019257

From: Jack Richins
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

I think the settlement is great for the economy and competition and should be approved as soon as possible.

Thanks,

Jack Richins

MTC–00019258

From: DALTOB@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:25pm
Subject: Microsoft Settlement

. Hello

I think the gov should settle this and get off of Microsoft's back. AOL should be investigated for having a monopoly.

Dallas

MTC–00019259

From: HLincoln2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:25pm
Subject: Support and require the State to support the Microsoft settlement

A free market comes from innovation and spirited and bold competition, Microsoft won because they had the best product. Their rivals could not win the support of the consumer so; they try to win in the courts. That's wrong. Support the settlement in favor of Microsoft and require the States to do the same.

HLINCOLN@aol.com
Eureka,Calif 95501 3524

MTC–00019260

From: Judy Craft
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

The proposed Microsoft settlement essentially legalizes the existing operating system / browser monopoly, and will allow Microsoft to do to its office suite what it did to the browser. Microsoft Word and Excel will become integral to the Windows OS—look at the tight ties between Office XP and Windows XP

Judy Craft
Database Analyst
South Texas College of Law

MTC–00019261

From: Jim Patterson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form the result will be no change to the behaviour of Microsoft, and yet another prolonged court case in another year or so. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

So, any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats, protocols and strongarming OEM's. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Jim Patterson
709 Ironbridge Road
Cicero, IN 46034

MTC–00019262

From: Bill Bridge
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I am very concerned with the proposed Microsoft settlement. I do not think it will do anything to curb Microsoft's criminal behavior. There are too many ways for them to evade the intent of the settlement without violating an interperation of the wording. Their past behavior shows that they will attempt to avoid the intent.

William H. Bridge, Jr
Software Architect
Oracle Corporation
U.S. Citizen
2969 Seaview Parkway
Alameda, CA 94502

MTC–00019263

From: Donovan Lange
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

I am writing today to express my opinion concerning the Proposed Final Judgement in United States vs. Microsoft. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry according to the ''Findings of Fact'', sections 20 and 39. The importance of this travesty cannot be overstated, and will dampen any affects to inspire a competitive market. My hope is that it will be remedied.

Donovan Lange
Software Engineer
Carnegie Mellon University

MTC–00019264

From: Mike Coppins
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

You simply have to do something to stop Microsoft from simply progressively taking over everything technological, and slowing the entire industry down so innovation flows at a snail's pace!

Microsoft are totally mocking the US govt with the further ''integrations'' with Win2k and WinXP.

MTC–00019265

From: swilson@nmfiber.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

Dear Department of Justice—

I feel that the proposed Microsoft settlement is a serious mistake, that it does not address the real issues, that it promotes continuance of the Microsoft practices that precipitated the problem in the first place, and that the settlement terms are not enforceable. I feel the settlement should NOT BE ADOPTED for these reasons.

Scott Wilson, Ph.D.

MTC–00019266

From: Bill Denney
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement against Microsoft is not strong enough.

Bill Denney
gte273i@prism.gatech.edu

MTC–00019267

From: James Hasselberg
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

MTC–00019268

From: Matthew Barker
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

To whom it may concern,

The DOJ's proposed settlement with Microsoft is ridiculous. The only thing that giving Microsoft Software to schools will do is to entrench Microsoft even further in the marketplace. They're in an unassailable position now, why make it worse for competition. Everyone in this industry knows that if you capture education, then those same people will eventually become decision makers who dictate purchase of your software.

Please reconsider this mess before it's too late. Microsoft is getting off with less than a slap on the wrist; they're getting off with federal enforcement of their marketing plan to become even more entrenched in education.

With good wishes,
Matthew Barker
3408 South Court
Palo Alto CA 94306–3550

USA

MTC–00019269

From: Shawn
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. To make myself clear I would like to start by saying I DISAGREE with the proposed settlement which I believe to be nothing but a slap on the wrist and will, in my opinion, solve little if anything. I wont recite the many things I believe fall short in this proposal as the bulk of my thoughts have been expressed by the majority of the open source community leaders. Instead I urge you to PLEASE RECONSIDER this action as it most certainly affects myself and many other legitimate business trying to pull from under Microsofts continued anti-competative behavior.

Thank you for your time,
Shawn Daley
Director, Network Operations
Lightning Link Communications
Clearwater, Fl

MTC–00019270

From: Jason Scheirer
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a young professional in the computer industry, and as having been a personal computer user for most of my life, I have watched competitors wither and disappear from the industry as Microsoft's actions have locked users into a proprietary Windows environment. I have a few problems with the Final Judgement:

B.1: Microsoft already bundles several different language display abilities with certain newer versions of Windows such as 2000 and XP. Allowing them to charge different royalties on each version, though making sense to cover costs for translation and technology adaptations, does not with an already multilingual system. This could encourage the company to split apart their language versions of Windows again. A decision like this is not beneficial to consumers, especially students of mutliple languages who do not have the budget to buy a more expensive version, or separate expansion pack, of Windows when it currently does not require such an aditional purchase for additional linguistic capability.

E: Along with communications protocols, there should also be a stipulation that opens file format standards and perhaps a regulatory industry committee to keep the standards comaptible and open through the industry. A major reason that so many people use MS Office, aside from the OEM bundling, is because a closed set of file formats (such as Word's) make it difficult, if not impossible, to use a competing product such as Wordperfect without the application having to reverse-engineer the format. This forces the ownership of the product to exchange documents, which has caused me to buy and continue to upgrade Word though I use a competing Word Processor to be able to interchange documents with friends, family, professors and co-workers.

H.1: Microsoft should make it possible to completely remove parts of its software from the operating system if a competing technology provides similar functionality at system startup.

J.2: Require any API extension to be approved back to Microsoft. This still gives them an exclusive right to control and oversee all OS proceedings, and quite possibly reject ''non-compliant'' extensions by a third party which it may interpret as a threatening or competitive technology without needing to legally justify that it is not simply violating section one of the prohibited conduct, but trying to ''maintain standards compliance''.

Also, many hobbyists and not-for-profit organizations now are major suppliers and developers of software which competes with Microsoft. These non-businesses will not be technically able to be eligible for a ''business need'' to access such software. These not-for-profits are a driving force of the industry as well as indispensable tools to industry professionals: examples include the Apache group and Sendmail. Also please keep in mind that organizations may now be not-for-profit in the environment because of fear of being edged out of the industry by Microsoft's past and present practices. From the real world, many security holes from these open and not-for-profit systems have been found and have resulted in stabler, more secure applications due to open APIs and source code in some instances. For the sake of national security, perhaps some of the Microsoft APIs should be completely open to allow for outside-the-company advances in its security, which seem necessary in light of recent events with IIS worms running rampant as well as the global climate, with the U.S. being threatened by stealthier enemies, including ones who may exploit holes in the most used Operating System in the United States as a form of terrorism.

Thank you,
Jason Scheirer
Riverside, California

MTC–00019271

From: John Kaiser
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/ Please read this!!

John

MTC–00019272

From: Fran Warner
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I believe the government case against Microsoft should be dropped. The recent AOL suit is unjustified.

Fran Warner
San Jose, Ca

MTC–00019273

From: James DuWaldt
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:33pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I am writing under the Tunny Act to express my dissatisfaction with the proposed settlement with Microsoft. In particular, I believe that:

1. Microsoft should be required to publish the specifications of its file formats and should explicitly agree to not prosecute anyone who reverse-engineers them. This will allow competitors to emerge for, in particular, Microsoft Office, which currently owns approximately 90% of the office software market.

2. Microsoft should be required to publicly disclose the signiture and functionality of any operating system interface used by any of its applications, without any form of reciprocity from anyone for any reason whatsoever. All should be able to see it; the notion that Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of [the third party's] business'' is unnecessary (and, ironically, perhaps even an unfair burden on Microsoft).

3. There should be some sort of monetary penilty for past misdeeds. For example, it has been proposed that Microsoft should give approximately 1 billion dollars worth of equipment and software to poor schools but it has been (correctly, I believe) noted that this will harm competitors. Therefore let Microsoft simply give the schools money, with no requirements attached to its use. Schools can buy computers, repair buildings, whatever, on the theory that the schools will know their needs better than Microsoft. Thank you for taking the time to read my response. I hope there is something useful in it for your consideration.

James B. DuWaldt

MTC–00019274

From: Dan Wright
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I do not believe that the currently proposed settlement will be effective in restraining the anti-competitive practices of the Microsoft corporation nor do I believe this settlement is in the public's interest.

In particular I believe that the proposed remedies have been drafted too narrowly to effectively erode the current barriers preventing independent software vendors from competing with Microsoft products.

Additionally the Proposed Final Judgment does not appear to have an effective enforcement mechanism. Considering Microsoft's history of violating decrees and their behavior during this proceeding this seems a grave oversight.

I am very impressed with the revisions that have been made to the proposed settlement. The Department of Justice has done a fine job closing many of the loopholes that troubled me in previous versions. I have full faith and confidence in your ability to craft a document that will dramatically improve the software market. I am an independent consultant who has provided advice and service to over one-hundred companies. I have no loyalties to any vendor or system. I am engaged in the practice of seeking out the best solutions for my clients. To that end I have recommended solutions based on products from Microsoft, Novell, cisco, Apple and others as well as unix solutions including linux, FreeBSD, OpenBSD and Solaris. In many cases I have advised clients to standardize on Microsoft products even though the Microsoft offering was dramatically inferior and more costly than alternatives. The dominance of Windows combined with Microsoft's history of intentional barriers to interoperability (as demonstrated in Caldera v. Microsoft) made Microsoft the only safe choice. I have often counseled clients that while a system would work today Microsoft could make changes to their operating system that would shut down their network. An example (if memory serves) was Windows Service Release 1 (SR-1) which had extensive problems with Novell products. While Microsoft soon released a fix (SR-1a) the cost of the resulting downtime was huge.

The only remedy that I see being effective is to require Microsoft to publish the specifications of all their API's and file formats. Unfortunately this would force Microsoft to compete fairly and I doubt they would go along. I have persuasive arguments for how this would not unfairly hurt Microsoft and would generate a new renaissance among programmers. But since I don't think it will happen in my lifetime I will stick to more practical solutions in this letter.

I would like to suggest two more loopholes to address.

Part III, Section D reads in part: ''Microsoft shall disclose ..., for the sole purpose of interoperating with a Windows Operating System Product ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.''

I see two problems with this sentence.

The phrase ''for the sole purpose of interoperating with a Windows Operating System Product'' should be struck. This does not allow projects such as WINE <http://www.winehq.com/> and Lindows <http://www.lindows.com/> that are designed to create alternate environments for ISV's. This is a huge loophole which is also present in Section E.

The limitation of the proposal to ''Middleware'' is arbitrary. If anything this is a battle that has already been fought and won by Microsoft. The products defined as ''Microsoft Middleware Product'' in section IV does not address vital technologies such as .NET, C# or even Outlook (as differentiated from Outlook Express, which is a different product with a similar name.) While there is a provision that could apply the ''Middleware'' definition to anything Microsoft trademarks that clause is very broad and would not be enforceable.

Even if an ISV (college student in his dorm room) decided to fight Microsoft's lawyers the war would be over before a judge saw the case. In most cases (such as the lawsuit Microsoft currently has against Lindows) the mere threat is enough to stifle competition. Part IV Section J reads:

''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2.is Trademarked;

3.provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4.includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.

I am not a lawyer, but this section disturbs me for two reasons. ''Microsoft Middleware'' is distributed separately from the Operating System. All of the products listed in Section K are distributed with the Operating System. Are they ''Microsoft Middleware'' or not? If their status depends on an alternative distribution method can Microsoft make any product immune to this proposal my only bundling it with Windows? Frankly I'm confused. It seems to me that the status as ''Microsoft Middleware'' is determined by version number. By this definition Windows XP is not a major revision! If the first release of a new browser is ''Internet Explorer 12.00000000000000'' is it a major revision?

I thank you for taking the time to read all the way through this. I know I am not a great writer.

If you wish to hear more of my opinions you can respond by email or call me at (650) 274–7755.

Sincerely,

Dan Wright

MTC–00019275

From: chriscypher
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

Microsoft should be punished.

I am very concerned by the current settlement proposal. When someone is found guilty of a crime, justice is only done when the felon has been punished to the extent that they have seen the error of their ways and will no longer continue to be a threat to old or new victims.

Microsoft continues to admit no wrong doing. It is very unlikely that they will change their practices because what they have brought to the technology industry is not innovation, despite their claims, but ruthless appropriation of new technologies. They have used a myriad of illegal practices to enter niche markets. By leveraging their capital, their marketing propaganda abilities, and system software monopoly, Bill Gates'' offering to the technology industry is more like Attila the Hun than Edison. Microsoft lays seige and destroys any would-be competitors through brute force. Until they are bound by some legal power, they will continue to act in this manner.

The current settlement does nothing to change Microsoft's behavior, in fact, as many industry analysts have attested, it will probably only extend their monopoly to new markets. This wrong must be corrected in such a way that competition in the industry is restored.

Thanks.

–c!

MTC–00019276

From: gil gilmore
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

I think that you have given in to Microsoft.

I think that you clearly have failed in your duty to protect American consumers.

Perhaps you didn't have the talent available to fully understand the issues, or perhaps you didn't have the will to stand up to the political heat. Either way you have clearly failed.

Thomas Ness
6945 Silver Fox Trail
Cumming, GA 30040
Registered and active voter.

MTC–00019277

From: Kent Miller
To: Microsoft ATR
Date: 1/23/02 7:34pm
Subject: Microsoft Settlement

To Whom It May Concern, And For What It Is Worth:

Having been with Microsoft for 11 years, all located in the Silicon Valley selling Microsoft software to educational institutions, large corporations, and government agencies, I've never once heard from any of these customers that Microsoft was harming them or their work...only improving it, and providing more and more value in relation to price over time.

Before you consider this case, ask yourself this simple question:

How can you sue someone for giving something away for free that was better than what they had been paying for?

Kent Miller
Microsoft Corporation
(650) 693–2935
www.microsoft.com/net
<http://www.animationfactory.com/animations/flags_poles/nations_oz/usa_md_clr.gif>

MTC–00019278

From: John Siino
To: Microsoft ATR
Date: 1/23/02 7:32pm

Subject: Microsoft Settlement

The proposed Microsoft settlement is bad!

The proposed Microsoft settlement will do nothing but reinforce their strangle hold on OS development. Our children will be forced to learn and use MS products (OS's, word processors, etc.). This will further entrench Windows OS's.

John Siino (self-employed engineer)
1667 Shadow Wood Court
Reno, NV 89523

MTC–00019279

From: George Czerw
To: microsoft.atr
Date: 1/23/02 7:34pm
Subject: Proposed Microsoft Anti-trust Settlement

As a 30 year veteran in the networking side of the computer industry, I have watched as the Microsoft Corporation has been allowed either buy out or bury (beginning with the Digital Research Corporation and continuing through IBM's attempt to collaborate on OS/2, the Novell Corporation's marketing of NetWare and Netscape's marketing of its own Netscape Web browser) hundreds, if not thousands of what used to be innovative, independant software companies. Outside of stealing or buying the technologies developed by others, the Microsoft Corporation has done little in the way of true, original innovation, and in my opinion, Microsoft's financial success has been dependant upon allowing its arrogant, deep-pocketed, overbearing Marketing Department to blitzkrieg its competitors, threaten computer hardware vendors into offering nothing but Microsoft's own operating system, and otherwise bamboozle both the government and the general public into believing that Microsoft's bloated, ill-conceived, poorly designed, poorly performing and security-vulnerable software is the best software offering in the world.

I find it appalling, laughable, and sickening (yes, all three at once) that both the Bush Administration and the DOJ would take a position which suggests that a ''just penalty'' would be to allow the Microsoft Corporation to convert millions or billions of its dollars for the purpose of providing computer hardware and its own computer software to the US primary and secondary educational systems. You people must be daft, for those educational systems are among the few markets which have always been dominated by the Apple Computer Corporation, and in which the Microsoft Corporation has never been able to gain a significant foothold, despite its best efforts.

It is past time that the Federal Government and the White House stopped shamelessly pandering to those special interests, corporations and individuals who are large campaign contributors and begin listening to and protecting the interests not only of the general public but also of the corporations and businesses who have not agreed with or contributed to the coffers of the party in power.

The only thing that the Microsoft Corporation understands is brute force, and it deserves no less a penalty than that which was given to Standard Oil and AT&T.

For the good of this country and its citizens, break Microsoft up into small pieces and do it now! Only then will the nation see some true innovation and competition in this nation's software industry.

George Czerw
Rancocas, NJ
George

MTC–00019280

From: John Doherty
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft punishment
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to urge that Microsoft be dealt with most severely for its predatory practices. Its attempt to ''cut off the oxygen supply'' of its competitor Netscape is particularly egregious. The unfairly obtained dominance of Microsoft's Outlook program, to show one instance, has lead to extremely efficient spread of viruses throughout the internet.

Please do not let these cads go unpunished.

Thank you,
John Doherty
8 Pearl Street
Beverly, MA 01915

MTC–00019281

From: Doug Matthews
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

As a US citizen and computer programmer, basically someone who has a lot riding on the health of the technology industry in the US, I want to let you know how I feel about the proposed settlement with Microsoft. I do believe that the best thing for any industry is free and fair competition. And I do believe that at the beginning of the personal computer era Microsoft was a great catalyst for bringing the power of computers to the masses, their focus on the customer was second to none and their success is a testament to their hard work and smart management. However, Microsoft's recent behavior in the market place is no longer beneficial to consumers because they have monopoly power and have shown that they are not afraid to use it.

Unless the settlement with Microsoft is reworked I'm afraid it will send the wrong message; that it is OK to play fast with the law as long as you have enough cash and enough lawyers to fight the court cases long enough. I am particularly worried about them forcing contractual restrictions on hardware vendors and also keeping those vendors from innovating above and beyond the standard Windows desktop.

I would like to believe that some kind of oversight of Microsoft will work, but again, call me cynical, but Microsoft is big, powerful, very rich and not afraid to take on a fight, even with the US government.

This really is one of those big, important cases that will shape the course of history, definitely the history of the technology industry. I really do wish that a ''hands off'' approach would work in this situation, but I honestly don't see that happening here with Microsoft, they are a monopoly and have to be treated as such. Did they break the law? I believe the answer is yes. Is the proposed remedy an appropriate punishment? I believe the answer is no, it is more a slap on the wrist and won't stop there anti competitive behavior. This is one time where we truly need the government to step in and right the wrongs.

Sincerely,
Doug Matthews
prazani@yahoo.com

MTC–00019282

From: Josh Jackson
To: Microsoft ATR
Date: 1/23/02 7:33pm
Subject: The Microsoft Settlement

I am concerned about the proposed settlement with Microsoft. The settlement would not open up the market and lead to competition, but rather would have little to no effect. I hope you will consider the company's past successes at being unhindered by the outcome of a ruling or settlement. The provisions are weak, and are not appropriate to the state of the market or Microsoft's actions.

–Josh Jackson
Houston, TX

MTC–00019283

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

I think the definitions in any final settlement should agree more closely with the definitions used in the Findings of Fact. The definitions in the Findings of Fact are much more clear and realistic.

Thank you.

MTC–00019284

From: patel@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft Settlement

Sire,

I personally am not amused with the MS ''settlement.'' Surely the crimes commited by MS against Netscape (RIP), with regards to MS yearly turnover & increases AND the number of years the courts have hibernated over this decision deserve a MUCH larger fine.

Yours depressed
Dr AP

MTC–00019285

From: Robert J. Berger
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I was shocked and dismayed when I heard the proposed settlement offered by the Justice Department. It had weaker remedies than even the US Appeals Court had already

declared as sensible. Microsoft is in court as a repeat offender. The current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case.

Microsoft must not be given another wrist slap and allowed to expand even further its monopolist ways. It is now extending its monopoly into the entertainment, news, game software/hardware, cableTV and Internet. Combine this with their huge cash reserves (which the SEC should be looking into as to why they are not distributing it as dividends to their shareholders) they will be able to control public opinion and the politician's wallet/mindshare. If they are not stopped now, they will shut down innovation in every key sector of our economy. To quote Dan Gilmore, Technology Columnist of the San Jose Mercury News:

''''Sellout'' isn't too strong a word to describe the U.S. Justice Department's settlement with Microsoft. Neither is ''dangerous.'' This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil. It's an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace. ...

The settlement not only doesn't doesn't even force the company to stop doing what eight federal judges found illegal, but it provides no penalty for the illegal acts. Locking in the ill-gained profits of crime—bank robbers wish they could get such dispensation.'' —

Robert J. Berger Chairman and Founder

UltraDevices, Inc. 257 Castro Street, Suite 223 Mt. View CA. 94041

Home: Saratoga, CA 95070

Email: rberger@ultradevices.com http://www.ultradevices.com

Voice: 408–882–4755 Fax: 408–490–2868

MTC–00019286

From: Ed Colmar
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft settlement

This settlement is a really bad idea. Microsoft deserves to be punished, not encouraged.

Thanks for your time.

MTC–00019287

From: Field, Alan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

To whom it may concern,

I am a Software Quality Assurance Engineer with over 10 years of experience in this industry, and I believe that the currently proposed settlement does not do anything to level the paying field for Microsoft competitors or to punish Microsoft for leveraging its monopoly. In order to improve the settlement, it should include the following provisions:

1) Microsoft must document any API used to integrate an application with the operating system—I don't have a problem if Microsoft bundles additional applications with their operating system. I DO have a problem when they add additional private APIs to their monopoly operating system so that these applications can act in an integrated way with the operating system. This allows the bundled applications to have advantages that no third-party software developer can duplicate. This is an unfair advantage that Microsoft has used in the past and will continue to use under this agreement.

2) Microsoft must publish the specifications for their document formats—Many people use Microsoft applications because their colleagues or friends use these applications and send documents from these applications. If the user wants to use different applications, he usually can't because he can not use his existing documents in a non-Microsoft application. To make matters worse, Microsoft does not document their file formats, so third-party developers must reverse engineer these formats. Since most software companies are smaller than Microsoft, this causes a drain on their R&D departments, and is a substantial barrier to entry in the Office Productivity market segment. Microsoft should document their file formats, so that a computer user's data to restore choice to the Office Productivity market.

3) Microsoft must not be allowed to prevent hardware manufacturers from installing alternative operating systems—This provision will help to increase competition in the operating systems market. The contracts that Microsoft signs with hardware OEMs in the past has prevented these OEMs from either installing other operating systems on the machine or altering the boot process to allow launching another operating system. This basically killed the BeOS. The barrier to entry in the operating system market is large, and this makes it even harder to compete. If you can't get the product installed on your hardware when you buy it, how will you ever appeal to a normal computer user?

4) Microsoft should pay a big fine!—Currently Microsoft has a huge amount of cash on hand. Cash that is ill-gotten gains from abusing their monopoly power. They should be fined as an example to other companies that the anti-trust laws are still considered important in this country.

In conclusion, I don't think the current settlement agreement improves competition or punishes Microsoft for their wrongdoings. Please try to remedy this.

Thanks for your time,

Alan Field
1789 College Ave
Livermore, CA 94550

MTC–00019288

From: Jeff Adams
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

To whom it may concern:

Please do something substantive to Microsoft. They must be stopped if we are ever to have quality, safe and secure computing again. The state of the industry and competition is deplorable and it is due mostly to Microsoft. Your ''settlement'' with Microsoft is insufficient. Please do better! I suggest breaking them up and requiring source code be made available for a time. Also the government should require all the software it uses be based on open source platforms by 2005.

Jeff Adams
650–654–4148
jbadams@intensifi.com

MTC–00019289

From: RK
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Dear USDOJ:

I do not support the proposed final judgment. Microsoft has been ruled a monopoly, and significantly more must be done to end the illegal monopoly than what the DOJ currently proposes. There are many highly qualified experts in the legal and technology professions who have strongly criticized specific proposals in the DOJ's settlement. I believe that these expert's opinions have not been included, and they deserve greater representation.

Thank you for your time.

Sincerely,
Rodney Koch
4617 Texas Trail
Madison WI 53704
608–242–0033

MTC–00019290

From: Mike Myers
To: Microsoft ATR
Date: 1/23/02 7:33pm
Subject: Microsoft AntiTrust settlement

Just a quick note weighing in on the proposed remedies to the Microsoft AntiTrust case.

As a previous owner of a software development firm that was forced to sell out to Microsoft, I can verify first hand that Microsoft; IS a monopoly, HAS a monopoly, ABUSES its monopoly. I thought that was acknowledged legally, in a Federal Court, none the less. Then I read about the ''slap on the wrist'' measures that the DOJ has agreed to in their proposed settlement. Surely the supression of rival technologies, suffocation of emerging technologies via FUD press releases, and heavy handed licensing practices warrant far greater remedies than what is proposed in the current settlement. The talking heads say that the DOJ ultimately went soft because of the potential damage to our economy that truly effective penalties would have caused. Well that approach marginalizes the massive damage to innovation and entrepreneurial pursuits that Microsoft's business practices have already caused over the last decade. I urge you to reconsider, withdraw from the current proposed settlement, and work to formulate something that truly sends a stern message to the officers of this criminal corporation. Business as usual at Microsoft should no longer be swept under the rug, shrugged off as the activities of a company that just got ''a little aggressive, a little over-competitive.'' Their policies and attitudes, both towards their competitors and their customers, more resemble a local thug shaking down local

businesses for protection money, rather than a respectable member of the business community.

Thank you for your kind attention,
Michael Myers
Huntington Beach, CA

MTC–00019291

From: Matthew J. Turk
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew J. Turk,
Computer Professional
6262 Rapidfall NE
Belmont, MI 49306
(616)363–9436
(847)332–8156

MTC–00019292

From: Wadell, Jim S (SAIC)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

Under the Tunny Act, I would like to comment on the Proposed Settlement in the Microsoft case.

As far as I can see, the settlement does absolutely nothing to stop the behavior which started the case. During the period that the case was being heard, Microsoft has, in fact, increased this behavior. Furthermore, their reckless release of very poor software has lead to increasing security problems for the whole of the internet, including non-Microsoft systems. This has increased to the point of being a threat to the national security. If the Proposed Settlement goes into effect, Microsoft will be free to continue to increase their hold on the market, not thought customer desire, but by manipulation of technical standards to drive competitors out.

Sincerely
James S Wadell

MTC–00019293

From: DMc
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. I do not have time to go through it point by point, but will be co-signing Dan Kegel's very well researched comments with which I agree.

Diane McSweeney
Webmaster
San Jose, CA

MTC–00019294

From: Roger Rasmussen
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Concerning the proposed MS vs. DOJ settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I have been following the Microsoft vs. DOJ trial since its beginning. As a professional software developer I have followed desktop computer technology for many years, I've seen many competing and often technologically superior competitors slowly be snuffed out of the market because of the unique position Microsoft has by controlling the operating system that everyone else must build upon. In the early days, there were competing versions of DOS from other companies, competing office suite software, and other types of software that never saw the light of day for very long in the consumer marketplace because of the stranglehold Microsoft has had on PC and hardware developers. Microsoft's deal with OEM's have always been exclusionary, threatening to pull licensing for Windows if the manufacturer decides to offer other operating systems or software that directly competes against Microsoft. Because DOS/Windows has always held the lions share of the market any PC manufacturer that refused to go with Microsoft's wishes suddenly would find themselves at a big competitive disadvantage. The average PC consumer is used to having everything pre-installed because they don't want to bother themselves or are afraid to attempt it. Microsoft understood this and realized that by controlling the OEM, they could effectively control the software people would use. Microsoft continues to use these strong-arm tactics today even while the litigation is proceeding. PC manufacturers have always had to bow to Microsoft's wishes on what to pre-install because if Microsoft revokes the manufacturers'' ability to pre-install Windows, consumers would go elsewhere. This effectively forces PC manufacturers to do Microsoft's bidding.

A truly open, competitive environment is one where systems are open and understood and the foundations to build a great computing experience are available on an equal basis to everyone wishing to compete. Also, a truly open market would allow equal access to software vendors seeking to have their products pre-installed on consumer systems. Microsoft has been able to put itself into a position where it can determine the reach of its competitors and always tilt the balance in its favor by owning the underlying operating system that is the foundation for building the software we use today.

The idea of allowing Microsoft to provide computers and its software to poor schools is noble, but it only serves to further Microsoft's monopoly power and make more people dependent on its technology. A modified form of this, such as providing Macintosh's would make more sense. In any case, the only real way to fix the problem is to force Microsoft to open up its platform (file formats, API's, etc) and end its exclusionary licensing practices so that other software companies products can compete on an equal footing.

I hope the final settlement will include a serious resolution to the stranglehold Microsoft has on PC manufacturers. This I believe is the only true way to allow competing operating system platforms, as well as applications software to be presented to a wide audience. The manufacturers themselves should be able to license and install what they believe to be in their own competitive interests, not Microsoft's.

Sincerely,
Roger Rasmussen

MTC–00019295

From: Leroyjetson7
To: Microsoft ATR
Date: 1/23/02 7:32pm
Subject: Microsoft Settlement

Cave in to your Campaign contributors. Motto for Enron And Microsoft :

Afraid of the government? Hell No! We Are the Government!

This just Screams: Campaign Funding Reform!!

If you've got the money honey, I've got the time.....

MTC–00019296

From: Phill Rosen
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: The microsoft settlement is inadequate]

Dear Sir,

It is my opinion that the current settlement in the Microsoft vs. doj antitrust suit is inadequate. It does nothing to redress the past grievances committed by Microsoft nor is it structured to prevent further abuses by them. All it does is enshrine the status quo. Clearly the anti trust laws that are in place are meant to do more then this and a strong U.S. economy requires far more. How can America stay at the forefront of technology if Microsoft is allowed to stifle technical innovation simply by leveraging its overwhelming size? While the DOJ might find this settlement to be adequate, it is clear that they are not well informed enough (or unbiased enough?) to reach a settlement that redress past and prevents future grievances. Please consider this a vote AGAINST the settlement and on that is in favor of a

decision that is AGAINST Microsoft's interests.

Thank You,
Phillip Rosen
63 Lockwood Rd.
Riverside Ct, 06878

MTC–00019297

From: Richard Tietjens
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

Well, I see the DOJ has decided that campaign contributions from Microsoft are far more important than protecting consumers from a rapacious monopoly. What a wonderful legacy the Bush administration will leave us! Total ownership of all important computer systems by a private corporation, which has demonstrated total disregard for both the rights of consumers and the law for more than then years.

MTC–00019298

From: Diana Acunto
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Microsoft Settlement

to whom it concerns:

I am writing this e-mail in the hopes that you will represent the voices of millions of Americans who cry out for justice in this matter. The morale amongst most of my fellow citizens is at an all-time low for obvious reasons. The corruption in our government and its links to shady corporations such as Enron and the Carlyle Group, has all but ruined our faith in this country's declining integrity. We look to you to restore some of that lost faith. It is plain to see that Microsoft has been operating as a vicious monopoly for years without so much as a slap on the wrist. Their proposed settlement, which was gratefully rejected, was a clear indication of the company's disregard for our anti-trust laws. With the audacity of a spoiled child, they have successfully wiped out much of their competition, leaving only scraps of the market share to be divided amongst the more tenacious surviving entities such as Apple, Netscape, etc. The biggest fear is that Microsoft's greed is so contagious that it will corrupt the minds of those deciding their fate in the end. I sincerely hope that this is not the case and that you will help to destroy their tight circle of corruption. I am not entirely against Microsoft. I use quite a few of their products everyday and find them to be invaluable resources. Regardless of this fact, they should rely only on the quality of their products and the presentation thereof to finance themselves without indulging in unethical and downright immoral business practices to suppress their competition. It is my understanding that this is not the only suit brought against them. As AOL and Netscape file their claims, I trust that you will do what is right in the eyes of this great nation and not give in to the sway of these greedy monopolizers.

thank you for listening
Diana Acunto
New York City

MTC–00019299

From: Anthony Placilla (by way of Anthony Placilla (060)aplacill(a)roc
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

We, the undersigned feel that the proposed settlement with Microsoft is bad. It does nothing to curb their practices and will only encourage them to abuse further their monopoly. —

Tony & Maureen Placilla
aplacill@rochester.rr.com

MTC–00019300

From: David Harper
To: Microsoft ATR
Date: 1/23/02 7:34pm
Subject: Microsoft Settlement

Microsoft is a monster. Please make sure that they don't rule the world.

DH

MTC–00019301

From: Patrick Hedgepath
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

I run a web site development company that uses a variety of products and services. I am appalled at the fact that AOL is suing Microsoft and preventing innovation. I can not tell you how many countless hours I have spent talking with my clients about the problems and issues that AOL delivers. Microsoft on the other hand seems to deliver products and services that help me and my company out at every turn. I wonder though how well Microsoft will be able to continue to do this with companies like AOL/Time Warner suing them at every turn only because they produce inferior products to that of Microsoft. As a tax payer and an avid voter I demand that Microsoft be left alone so they can continue to provide products and services that help the small business owner like myself. Thank you for listening.

Thanks,
Patrick J Hedgepath
Pegasus Web Productions
webmaster@pegweb.com
http://www.pegweb.com <http://www.pegweb.com/>

MTC–00019302

From: Jake Loewen
To: Microsoft ATR
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

Hello,

Being an expert computer user since the mid 1980's I have watched Microsoft turn from a beneficial software company who thought of the customer first to a monopolistic, ego driven corporation seeking to make more money than they actually need. The last Microsoft operating system I purchased was Windows 98. Now I run Linux and find it to be a blessing being as 95% of the software is free and extremely more dependable than anything from Microsoft. It is my opinion that Microsoft needs to be split into two companies and the two companies CANNOT work with each other directly.

The most important thing is that the operating system company cannot bundle Internet Explorer with the system software—leave that up to the commercial software half of Microsoft. In my copies of SuSE Linux there are numerous browsers included with an install: KDE's Konqueror, Opera, Netscape, Mozilla, and Lynx. This allows me to choose which browser I want to use and allows the browser companies to have fair and unbiased views of their customers. On the other hand Microsoft pretty much runs the browser business for win32 operating systems and its either IE or crippled installs of Netscape. Unfortunately Opera isn't proclaimed much due to Microsoft's overwhelming market presence.

It is in the opinion of this system administrator, technology guru, and unbiased operating system user that Microsoft be split in half and allow for better market competition.

Jake Loewen

MTC–00019303

From: JIM WEST
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: MICROSOFT SETTLEMENT

I hope you will not be influenced by the smoke screen of AOL-Netscape law suite against Microsoft and will go ahead and settle the Microsoft— department of justice law suite . I think settling this matter is in the best interest of the people of the united states and the world . in my opinion Microsoft is a great company to do business with. AOL needs to get their act together and figure out a way to serve the public as good as Microsoft does!

MTC–00019304

From: Peter Bombard
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am strongly against the proposed settlement with Microsoft. While I agree that breaking up the company is not the right answer, almost none of what is in this settlement appears to actually remedy the previous behavior of Microsoft or prevent the future repetition of that behavior.

This settlement appears to do little more than capitulate to Microsoft while providing only an appearance of remedy.

Unlike the Findings of Fact, the settlement defines ''API'' (Application Programming Interface) in such a way that Microsoft would be able to avoid full disclosure on the most important APIs they control. The definition in the settlement needs to be returned to the language of the Finding of Fact. Unlike the Findings of Fact, the settlement defines ''Middleware'' in such a way that Microsoft would be able to exclude any software from being covered by the definition. The definition in the settlement needs to be returned to the language of the Finding of Fact.

Important software packages from Microsoft that were included in the Finding of Fact are excluded by the settlement, such as Microsoft Office or the full version of Microsoft Outlook. The software packages that were identified in the Finding of Fact as contributing to Applications Barrier of Entry need to be included in the settlement.

The settlement defines a ''Windows Operating System Product'' to be only

Windows 2000 Professional, Windows XP Professional, Windows XP Home and all of their successors. This ignores other versions of Microsoft windows that can be leveraged through their monopoly, as non-Intel hardware is leveraged in the marketspace currently occupied by Windows XP Home.

The settlement does not require any advanced notice of technical requirements, but requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows. Microsoft could then change their requirements shortly before release and not notify said vendors. The settlement needs to require Microsoft to provide vendors with advanced notice of technical requirements, specifically in time for them to achieve the seven month deadline.

The settlement mandates that API documentation for release far too late in the process to be of help to vendors of competing products and certainly not in time for them to meet the seven months prior to release deadline. Vendors need access to this information much sooner. The settlement needs to require Microsoft to provide vendors with advanced access to API documentation, specifically in time for them to achieve the seven month deadline.

Important APIs and file formats would not be covered by this settlement and would render the utility of such requirements in question without their inclusion. Undocumented file formats are included in the Applications Barrier to Entry in the Findings of Fact and are an important component in Microsoft's ability to maintain their monopoly. The settlement needs to be brought in-line with the findings of fact.

The settlement places unnecessary restrictions on the access of released information by competing vendors and would serve to reduce the resources of any vendor that developed for operating systems other than Microsoft's. The settlement MUST not be used to create further barriers to entry; these restrictions must be eased.

The settlement does nothing to address Microsoft's discrimination against vendors who support non-Microsoft operating systems and in fact allows Microsoft to specifically act against vendors who ship systems with ONLY non-Microsoft operating systems. I believe this is wrong and not in the public's interest. I believe that language specifically protecting the ability of vendors to ship only systems without any Microsoft operating system installed should be included.

The settlement allows Microsoft to discriminate against vendors who ship Open Source Applications. I believe this is wrong and not in the public's interest. I believe that language specifically protecting the ability of vendors to develop for both Microsoft and Open Source applications should be included.

The settlement allows Microsoft to discriminate against vendors who target Windows-Compatible operating systems. Additionally, the settlement allows Microsoft license to restrict end users from using Windows-Compatible operating systems. I believe this is wrong and not in the public's interest. I believe that language protecting the ability of both vendors and end users to work with Windows-Compatible operating systems should be included.

These highlight my major disagreements with the settlement and I hope will suffice to express my concern with the proposal. There is little or nothing that I can find in the document that actually appears to serve to truly remedy the behavior that was identified by the Finding of Fact and upheld by the Court of Appeals. I believe this settlement is bad and does not serve to further the Public interest.

Thank you for your time.

Sincerely,

Peter W. Bombard

MTC–00019305

From: Higgs Glenda
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: microsoft settlement THIS SUIT SHOULD BE SETTLED NOW....AOL KNEW WHEN IT PURCHASED NETSCAPE WHAT A MESS THIS WAS. HOW MUCH MORE DO YOU THINK STOCKHOLDERS OF MICROSOFT IS WILLING TO TAKE PLEASE SETTLE.....NOW

MTC–00019306

From: Scifihead
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

This settlement is a joke!!!!!

MTC–00019307

From: ciecie@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

Hearing the news about AOL via Netscape suing Microsoft has called my attention to the harassment against Microsoft we have seen the last few years.

It is my understanding that the antitrust case against Microsoft is currently in the review phase and that comments about whether the settlement is in the public interest are being sought.

Please DO NOT ALLOW this latest ''terrorist'' tactic to influence your decision to quietly settle the case against Microsoft leaving it intact to continue to provide excellent products for us consumers.

There was a time when I also tended to be a Microsoft Basher, and of course installed and used the Netscape Browser. Then as part of my job I was exposed to Microsoft IE and to my amazement and excitement found it to be a much better product. Needless to say, I rushed home that night and installed Microsoft IE on my personal computer.

No gun to my head. The best product always wins !!!!!! That is what free enterprise is all about.

MTC–00019308

From: John Turnley
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Other people have done a good job of describing why it's bad. Simply add my voice to the people looking for a stronger remedy. We need a remedy that will prevent Microsoft from leveraging their operating system monopoly to stifle competition.

I am a Computer Professional who has worked with several operating systems over the last 20 years.

John Turnley
11 Monteith Ct
Durham, NC 27713

MTC–00019309

From: Zach Johnson
To: Microsoft ATR
Date: 1/23/02 7:40pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. I have several issues with the Microsoft settlement, as outlined below:

(1) The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by businesses to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the Proposed Final Judgment is contributing to the ''Applications Barrier to Entry'' faced by competing operating systems. That is, through illegal practices Microsoft is stifiling other operating systems such as Linux and FreeBSD by limiting their software libraries. Linux and FreeBSD use middle-ware called WINE to run software created for Windows. If Windows software is bound by the above license it then becomes illegal to use this software with WINE.

(2) The Proposed Final Judgment supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

(3) Microsoft Corporation makes both the operating system Windows and software which runs in Windows such as applications and video games. Because this corporation created the operating system, it gives them a significant advantage in designing software for that operating system, not to mention the fact they can integrate their software into the operating system installation. This is unacceptable.

I myself design software for Windows, often applications or games which directly compete with software written by Microsoft. If they wished to put their competition (that's me) out of business they would simply need to ship the Windows operating system with their version of the software pre-installed. Allow me to give you a specific example. Microsoft recently started marketing their MSN Messenger software. MSN Messenger is an Instant Messenging program that allows users to chat on the internet. I have recently

created an Instant Messenging program of my own which offers new and unique features not available with MSN Messenger. Unfortunately for me, computers running Microsoft Windows often come with MSN or MSN Messenger pre-installed onto the Windows desktop. If they aren't pre-installed then their corresponding webpages are often linked to. Microsoft exploits the fact that they created the operating system and gives their software an unfair advantage. Microsoft should not be allowed to place any software, or links to software, on the Windows desktop. The items that appear on the desktop should be free for computer manufacturers to decide, such as Gateway, Dell, and Compaq. Even better would be to break Microsoft Corporation into two entities, one for Operating Systems and one for Software. Beyond this I also agree with Dan Kegel whose views can be seen here: http://www.kegel.com/remedy/

Thank you,
Zach Johnson Minneapolis, MN
USA

MTC–00019310

From: (123)USER(u)FIRSTNAME(125) (123)USER(u)LASTNAME(125)
To: Microsoft ATR
Date: 1/23/02 7:44pm
Subject: Microsoft Settlement

It is my belief that the DOJ settlement is fair for all concerned and further litigation is not necessary.

Ronald Matthews

MTC–00019311

From: David Smith
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Micrsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions with the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefitted from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

I also cannot resist to comment that one form of solution I haven't seen in the public commentary has been to enforce that Microsoft, or every software maker possibly, to openly and freely publish the interfaces for interoperating with their software. To be precise, this would mean publishing APIs and File Formats (namely Microsoft Office file type formats and Win32 API). This remedy is extremely easy to produce technically and removes the possibility of illegal ''binding''. Anyone with enough technical experience can build a competing product and Microsoft (or any business) does not have to give away the source code to their products.

Sincerely,
David Smith
Systems and Network Administrator
West Virginia University, College of Human Resources and Education
Morgantown, West Virginia 26505 (304) 293–7639 ext. 1817

MTC–00019312

From: Randy Hamilton
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

Hello,

I'd like to take this opportunity to express my dissatisfaction with the currently proposed Microsoft settlement. I feel it falls profoundly short of denying Microsoft the fruits of activities which were determined to be illegal, and does even less to prevent it from engaging in the same basic activities in the future. As for denying them the fruits of illegal activities, it would be a very ardous task to determine the full extent to which portion of their dominance in dozens of areas resulted from only illegal activities used to protect the Windows monopoly, much less what the ill-gotten gains are worth and how to deny them to Microsoft. As far as preventing illegal conduct in the future—I fully believe the only way to achieve that is no longer allow them to bundle *anything* in their operating system software beyond that which would be required for any other piece of software to communicate with the computer's hardware. That means no Internet Explorer, no MSN, no IM, no Office, no solitaire, no *anything* can be sold in the same package, license, or sale of the Windows operating system. If they want to sell all those other products, even ones which ''integrate'' themselves with the OS during installation—they must be sold, promoted, serviced, and priced seperately. And that the API calls which the OS makes available for software to interact with it must be published publically, in such a manner that even Microsoft's own enginners and designers cannot retrieve ANY information concerning the current or future API calls from any other source than the one publically available to all other companies writing software designed to run on the Windows platform. And that any violation of that chain of information whatsoever be treated with the same severity as the illegal use of insider information.

I don't know if Microsoft can ever be denied the fruits of their illegal activies (short of forcing them to trade all their stock and cash reserves for all of Netscapes stock and cash reserves)—but it is vital to the present and future of technology that the no longer have the ability to sabatoge the efforts of every other company by exploiting secret information of the current Windows API, and secret information about the future Windows API which will disable or destabilize current software. I can't begin to describe to you how incredibly frustrating it has been to deal with Microsoft's API sabatoges of existing software over the last 10 years; not can I begin to imagine the amount of innovation and productivity which has been sacrificed by the companies forced to deal with acts instead.

If you can't make Microsoft give back what it has stolen from the technology industry with it's illegal conduct, please at least find a settlement which forces Microsoft to compete on the *legal* marketing and technical merits of the products. We'll all be the better for it (even Microsoft itself).

Sincerely,
Randy Hamilton
CTO
Berkery, Noyes & Co.
50 Broad Street
New York, NY 10004
(212) 668–3022 x. 243
Email:Randy.Hamilton@BerkeryNoyes.com

MTC–00019313

From: Mark Boles
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

As an experienced application developer, I do not feel the current proposed final judgement in United States vs. Microsoft adequately meets the criteria required by law. In addition, I do not believe the proposed settlement will have enough of an impact on the market to allow the level of competition to promote proper growth.

I believe lack of competition is the most significant threat. It has been proven repeatedly that lack of competition prohibits growth. The breakup of the Big Bell is the classic example of this taught in institutions of higher education. I believe there are practices by Microsoft that should be looked at beyond their monopolistic packaging. For instance their outrageous new licensing agreements. They are also capitalizing on market by not providing proper information to the hardware extraction layer. They own the only product on the market with complete hardware extraction (SMS) and it (like many of their other products) does not function properly.

Thank you for your time,
-MEB
Mark E Boles
The B. A. Group, Inc.
mboles@thebagroup.com

MTC–00019314

From: Nathan Ricci
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Microsoft Settlement

The proposed final settlement simply does not do enough to remedy the monopolistic practices of Microsoft. While some of the remedies are potentially helpful, they contain loop-holes which I doubt will go unused.

In particular, this settlement does nothing to stop Microsoft from engaging in anti-cometative practices against software vendors who create alternative implementations of Microsoft API's. Although the settlement does require MS to release documentation on their API's for ''Microsoft Middleware'' (which, by the way, is rather narrowly defined), this documentation can only be used to interoperate with Microsoft Operating System products, not to create an alternative to an MS OS. If the settlement forced Microsoft to allow these documents to be used for alternative-implementations of these API's, it would greatly help in restoring competition to normal level.

—Nathan Ricci

MTC–00019315

From: Greg Wittmeyer
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer, I have a special understanding of Microsoft's criminal activities.

API DOCUMENTATION

I work very closely with Microsoft's API's, and it is very clear that Microsoft wants to make it as difficult as possible for anyone else to write software. Even a non-programmer can see that the documentation for the Windows API's is very spartan. A programmer working with the documentation will quickly discover just how bad the documentation is. There are typos, inaccuracies, omissions, and broken hyperlinks. I can provide an extensive list of examples if you like. Microsoft is clearly doing this on purpose to stifle competition—their own programmers would never be able to use such shoddy documentation.

PREDATORY PRACTICES

—Microsoft gives away Internet Explorer to hurt Netscape.
—Microsoft has used every dirty trick in the book to hurt Java, and they have been largely successful. Java is a threat to Microsoft's monopoly on operating systems.
—Microsoft introduced code into Outlook Express in order to hurt Blue Mountain Arts, who rejected Microsoft's attempts to buy them.
—Service Pack 3 for Windows NT 4 changed the operating system's communications protocols, making it incompatible with Samba. Simultaneously, they removed all technical articles relating to Samba from their website. Their is no conceivable justification for this.
—Microsoft uses the Business Software Alliance to blackmail companies into signing exclusive contracts with Microsoft.

The list goes on and on. It is obvious that Microsoft uses its monopoly position to hurt competition.

SOLUTIONS

Microsoft should be forced to release the source code, and their internal documention, to all of its operating systems. This would give other software developers at least a fighting chance at competing with the behemoth.

Bill Gates should be forced to give up all ownership and participation in Microsoft. Microsoft's behavior is a direct reflection of Bill Gates'' personality. Because they are guilty of so many criminal activities, all Microsoft management should receive the same penalty. Microsoft's behavior and reputation has damaged the entire software industry. Microsoft's direct actions have clearly been illegal. But their infamous reputation has been very damaging as well. Disgruntled users pirate software because of their hatred for Microsoft, and unfortunately this dissatisfaction extends to other software developers. Because of Microsoft, people see software companies as rich and greedy, and this justifies their piracy. As a result, piracy is rampant. As a remedy, Microsoft should be forced to pay a large fine, which should be used to pay off the income taxes of software developers.

The DOJ has a horrible record on breaking up monopolies. Breaking up Standard Oil made Rockefeller vastly more wealthy. Breaking up Southwestern Bell simply turned one big monopoly into smaller, local monopolies. Monopolies can only be stopped by competition on a level playing field. Please do not repeat your past mistakes by giving Microsoft a slap on the wrist. It currently appears that the DOJ is going to completely cave in to Microsoft. That would be a great disservice to the human race, and a shame from which you would never escape.

In the absence of communism, evil greedy corporations are the biggest threat to our society. Microsoft is the greediest, most evil company the world has ever seen. There is no penalty that will make up for Microsoft's atrocities, so it is imperative that you punish them to the maximum extent possible.

Sincerely,
Greg Wittmeyer
CEO, Gammadyne Software
http://www.gammadyne.com
mailto:gregw@gammadyne.com

MTC–00019316

From: Avery Wilkins
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

As written, the Microsoft antitrust settlement proposed by the Department of Justice is utterly toothless and will be ineffective in preventing further monopoly abuses by the software giant. If this settlement is accepted, as a taxpayer I will be shocked that the expense of this trial will have resulted in nothing but more abuses and wasted money.

Please consider that any ineffectual solution to Microsoft's multiple, ongoing, and remorseless monopoly abuses will be no better than simply dropping the case.

All parties to this legal action assert that it is important to conclude this matter as soon as possible, but any solution that doesn't go to the root of the problem will merely result in another repeat of legal action in the future. In short, we'll be back where we started, only with more abuses and more companies (including—but not limited to!—Microsoft) injured or destroyed in the process.

How this outcome would be beneficial to the technology industry, consumers, the economy as a whole, or even Microsoft itself is not clear; in the long run, Microsoft's abuse of their monoculture will even be detrimental to themselves.

The current agreement makes no bold moves to block Microsoft's unrelenting desire to weasel themselves through legal loopholes towards further abuses Rather, it expressly allows them to continue using the tools they have long employed to extend their monopoly. By way of analogy, this agreement will be as laughably ineffectual as an umbrella built out of chicken wire: it doesn't do a thing to keep the hapless user from getting soaked.

If this is the best possible solution to Microsoft's proven monopoly abuses, then the entire trial, and the hearings and consent decrees before it, were an enormous waste of public dollars, and are furthermore a waste that is destined to be repeated.

As a United States taxpayer, and someone subject to the Microsoft monopoly, I'm outraged that this is what it has all come down to.

Don't settle without a worthwhile agreement.

Avery Wilkins

MTC–00019317

From: John Small
To: microsoft.atr
Date: 1/23/02 7:33pm
Subject: Microsoft Settlement

I am a computer professional. In no way do I understand the intricacies of the law. Nonetheless I feel obliged to comment on the pending settlement in the Microsoft anti-trust case.

As a computer professional it is very clear to me that 1) Microsoft is a monopoly and 2) that Microsoft has abused its position to its advantage and that both the consuming public and Microsoft's competitors have suffered grievously as a result.

The proposed settlement does nearly nothing to prevent future abuse much less reverse the abuses of the past. In the interests of a free market and free competition please discard the proposed aggreement and develop a new agreement which takes significant real action to punish Microsoft and discourage further similar action on Miscrosoft's part. Renewed competition (and genuine innnovation) is needed but will not happen under the proposed settlement.

Thank you.

John Small

MTC–00019319

From: Darren Twa
To: Microsoft ATR
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

I can't believe that the government could consider justice done in the Microsoft case. Nothing of substance was done to punish or change their behavior.

Maybe the settlement would have been just if the Department of Justice had any clue about the computer industry. They show the same skill as the Patent Office has been demonstrating by giving out ridiculous patents.

MTC–00019320

From: Harrison Rigby
To: Microsoft ATR

Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

The settlement reached between the DOJ and Microsoft is, in the opinion of this citizen, an inadequate conclusion to the biggest anti-trust case of all time. Microsoft said that it disagreed with the verdict reached by Judge Jackson. This much, we expected. Microsoft then said that it disagreed with the Judge Jackson's interpretations of the applicable laws, and even with the existence of some of the laws themselves. The Federal Appeals Court, while rebuking some of Judge Jackson's behaviors, agreed with most of his findings and confirmed the validity of the laws involved.

The DOJ's decision to not pursue Judge Jackson's harsh penalties against Microsoft gives the company a free pass to continue its obviously illegal practices and predatory behavior and sets a precedent under which Microsoft and other monopolies may hide in the future. Here's my suggestion regarding how to make the settlement more fair: Require that Microsoft open up all the API (application programming library) interfaces to, and within, the various versions of the Windows operating system. It's widely known that there are special calls within these libraries that are known only the Microsoft and that give Microsoft's product developers special advantages (Microsoft denies this claim). Given that DOJ's decision affirms Microsoft's monopoly position and will make the Microsoft Windows operating system a defacto standard for many years, we who must work in this software environment, and who must compete against Microsoft, wish to work on an even-playing field. It's not fair for those who control the common environment to control the rules, as well as the score, as fully as they do.

Please, open up the APIs so that our general economy, my small company's customers, and its stockholders may benefit from the improved produts that will result when all developers are allowed access to the many currently hidden features within these libraries.

Thank you very much,
Harrison Rigby
CTO Discovery Software, LLC
503 Kensington Road
Taylors, SC 29687
hmrigby@mindspring.com

MTC–00019321

From: res0i8vj@verizon.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I am opposed to the proposed settlement in the Microsoft Anti-trust case. The currently proposed settlement does not adequately address the problems created by the past actions of Microsoft. Additionally, the proposed remedy of extending the judgement for a period of two years for non-compliance is wholly inadequate. I would support a settlement that included a requirement that Microsoft make public all APIs and file formats for a period of five years and provided for a significant penalty for failure to do so.

Thank You,
John Turner
2240 Tarpley Rd. #294
Carrollton TX 75006

MTC–00019323

From: swanee@pillarsoft.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

Proper? Fair? Equitable?

I think not...

Should we fine monopolists by helping them extend their monopoly?

I think not...

Paying via software donation to educational institutions just entrenches them deeper into the system. I sure hope when I get caught with my hands in the cookie jar, I will be able to send out a few million in software. It will be easy considering the way software is distributed these days. I'd rather send out 3 billion in licenses than pay a $1000 fine in cash. :-)

This is a very short-sighted and unknowledgable decision. I hope it is reworked or there will have been no reason to go through the whole charade...

Wayne Swanson

MTC–00019325

From: tuflady@nc.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement
Re: Settlement of the United States vs. Microsoft antitrust lawsuit.

Gentlemen:

The proposed settlement is bad idea. A proper settlement must: provide redress to the companies whose software innovation has been denied access to markets by the continuing illegal monopolistic practices of the Microsoft corporation provide restructuring of Microsoft corporation and restraints on the resulting companies to effectively deny their cooperation to achieve the same result, and provide ALL companies equal and open access to all their products interfaces and formats provide severe punitive economic sanctions to dissuade such egregious corporate injury to free market enterprise in the United States of America ever again.

Respectfully,
Teresa L. Beumeler
Raleigh, North Carolina

MTC–00019326

From: George Czerw
To: microsoft.atr
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

As a 30 year veteran in the networking side of the computer industry, I have watched as the Microsoft Corporation has been allowed either buy out or bury (beginning with the Digital Research Corporation and continuing through IBM's attempt to collaborate on OS/2, the Novell Corporation's marketing of NetWare and Netscape's marketing of its own Netscape Web browser) hundreds, if not thousands of what used to be innovative, independant software companies. Outside of stealing or buying the technologies developed by others, the Microsoft Corporation has done little in the way of true, original innovation, and in my opinion, Microsoft's financial success has been dependant upon allowing its arrogant, deep-pocketed, overbearing Marketing Department to blitzkrieg its competitors, threaten computer hardware vendors into offering nothing but Microsoft's own operating system, and otherwise bamboozle both the government and the general public into believing that Microsoft's bloated, ill-conceived, poorly designed, poorly performing and security-vulnerable software is the best software offering in the world.

I find it appalling, laughable, and sickening (yes, all three at once) that both the Bush Administration and the DOJ would take a position which suggests that a ''just penalty'' would be to allow the Microsoft Corporation to convert millions or billions of its dollars for the purpose of providing computer hardware and its own computer software to the US primary and secondary educational systems. You people must be daft, for those educational systems are among the few markets which have always been dominated by the Apple Computer Corporation, and in which the Microsoft Corporation has never been able to gain a significant foothold, despite its best efforts. It is past time that the Federal Government and the White House stopped shamelessly pandering to those special interests, corporations and individuals who are large campaign contributors and begin listening to and protecting the interests not only of the general public but also of the corporations and businesses who have not agreed with or contributed to the coffers of the party in power. The only thing that the Microsoft Corporation understands is brute force, and it deserves no less a penalty than that which was given to Standard Oil and AT&T.

For the good of this country and its citizens, break Microsoft up into small pieces and do it now! Only then will the nation see some true innovation and competition in this nation's software industry.

George Czerw
Rancocas, NJ

MTC–00019327

From: Russell Sears
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

The currently proposed microsoft settlement does not do enough punish microsoft for past infringements, nor does it do enough to ensure that they will not continue similar behavior in the future.

Russell Sears.

MTC–00019328

From: Baskette, John
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

Dear Sirs,

Please do not go forward with this settlement. From everything I have read, it does not appear to me that the remedy's will prove to be effective in stemming illegal anti-competitive behavior by the Microsoft Corporation.

I am a computer programmer, been so for 20 years.

Thank you.
John F. Baskette
RIS Field Systems Team, Irvine Campus
Phone:949.863.4385
JBaskett@tacobell.com

MTC–00019329

From: Andrew Carpenter
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Comments on the proposed Microsoft Settlement

I wish to register my opposition to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does little to redress the past actions committed by Microsoft, nor does it adequately seek to prevent them from committing similar actions in the future. Mush of the settlement does not even appear to correct the situation; in some places it actually codifies Microsoft's ability to continue its current practices. Little in the settlement will effectively prohibit Microsoft from abusing its monopoly position in the operating system market. Microsoft must receive an adequate penalty for the charges it faces. The simple fact that it is publicly declaring its happiness with the current proposal and resisting any attempts to change it should be warning enough that it will ultimately be ineffective.

I urge the court to seek another remedy. If a settlement cannot be found that meets requirements, please do not allow a settlement to take place, and instead proceed with appropriate legal penalties.

Sincerely,
Andrew Carpenter

MTC–00019330

From: Jason Guidry
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Any settlement that does not include the division of Microsoft into 3 or more _equal_ parts is completely unacceptable. It will continue to use its stranglehold on the Operating System Market to force its own products and agenda, including proprietary standards & software.

Thank you.

MTC–00019331

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

Hi:

I would appeal to the Department of Justice to also consider whether Microsoft did indeed torpedo IBM's OS/2 operating sytem. It should be determined if this is true:

Excerpt from a web article:

''It hasn't been that many years since Microsoft first felt brave enough to stab its benefactor/partner in the back, as Microsoft did during the OS/2 saga. And fewer still since Redmond demanded that IBM drop the competing operating system from its product line by refusing to grant IBM a preload license for Windows 95 until 15 minutes prior to its launch, and raising the price for the license by 700 percent when they did grant it.'' http://www.idg.net/ic_790548_1794_9–10000.html

Thank you for your consideration in this matter.

Sincerely,
Jonathan Drews

MTC–00019332

From: Max Muller
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

As a software engineer creating software for the Microsoft operating system, I believe the current settlement is a very bad idea. As it currently stand Microsoft will not be hampered in any real way.

Regards,
Max

MTC–00019333

From: suncitian
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: AOL?????

Why don't you leave Micosoft alone. There is so much more to do;than pick on USA business.

Ron Casebere

MTC–00019334

From: Jim Myers (IT Manager) CSU llc 800.488.0960
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: MICROSOFT clearly has misled AMERICA

Not just Big Corporations but simple everyday little people. People who had jobs working at Microsoft's competitor businesses. Everyone is Lied to and Misled and then forced to accept whatever Microsoft's dictates. For over 10 Years they(Msft) has not let anyone interfere with a hard disk boot loader program. The program easily could have enabled other Systems and functionality as far back as 1993/94. They Never once let the Builders of P.C's choose whatever OS they wanted to sell to everyday people.

Now look, Microsoft almost certainly must run on everyone's PC in order to have a operating system work right. Work right with what? Office and utility programs Microsoft Hogged Down when they put them out of business.

Who out of business? Word Perfect, Borland, Officewriter(Back in 1993/94) when MS-Office trumped all businesses and coerced PC builders to bundle the applications for FREE, And letting the builders Saver every Dollar they made off of each American that bought their P.C. Operating Systems: Microsoft has put Be Incorporated(BEOS) out of work. Va Linux (LNUX) is practically dead too.

Nobody on the planet will ever be able to build something better than Microsoft. For if they do, they either get Bought out by Msft, OR, Microsoft partners as friends with them, Steals their ideas, reverse engineers the code and ShaaaZaaam, Guess what happens next. They Build a Quote ''BETTER APPLICATION mousetrap'' and by the way HIDE their API or application program interfaces software engineers NEED in order to interface with Running code anything New some else Wants to invent for the P.C.

This Please Mr. Government, Is outrageous Monopolistic business practices, No matter what Microsoft says, THEY ARE WRONG. Microsoft is Wrong for Destroying Ingenuity, Courageousness, Bravery, and Sheer AMERICAN WAY mentality. They are so wrong that Most people now Hate the company and are only buying their Wares because THEY(Msft) IS the Only game in town left now. All others are out of business, or So about to be Broken that they can't hardly make it Quarter to Quarter.

No, It is not the economy, It is Microsoft that has Caused this economy to Die. That is not to mention, Browser programs even. Just Simply Boot Loader locked down Code and Operating Systems.

Please do something Now. Else Foreign governments will, And it won't Be pretty, I can say that much. This country will stand to lose far more than little programs and code running in WINDOWS OS's. We America, will lose trust, friendships, economies of scale, products etc to France, Germany and Asia. They go around everything Microsoft Sells and then what happens? Revenue Loss, to the Max, Tax bases destroyed and MILLIONS of people out of WORK. HERE in the USA including Millions of 50 and over baby boomer types. THIS WILL BE YOUR PROBLEM NEXT my friends.

Believe IT !
Thank You.

MTC–00019335

From: YON—Jan C. Hardenbergh
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: The settlement is impractical.

The settlement seems to involve a LOT of red tape. There is no way to enforce this settlement. Only some clear and simple will have the desired effect of levelling the playing field. Microsoft will continue work behind closed doors unless we open them. The only reasonable way I can see to do that is to require that the source code to the browser itself be put in the public domain. Microsoft will still be able to innovate above and below the browser, but, anybody will be able to use the same set of tools that the browser is using.

Isn't that the point?

MTC–00019336

From: Dennis Taylor
To: Microsoft ATR
Date: 1/23/02 7:49pm
Subject: Proposed agreement sucks

I'd like to take this opportunity to voice a hearty ''no thanks'' to the Microsoft settlement. Wrist-slapping isn't going to help the public any.

MTC–00019337

From: Christopher Armstrong
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

I am against the proposed Microsoft Settlement. It is a huge mistake.

Thank you.
Chris Armstrong
<< radix@twistedmatrix.com >>
http://twistedmatrix.com/users/carmstro.twistd/

MTC–00019338

From: Anthony Boyd

To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

As a former employee of Borland, a company which at one point sued Microsoft because they had hired away over 35 programmers with obscene offers (million dollar signing bonuses, other incentives that made it impossible for Borland to keep up), I believe that Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do NOT think that the proposed settlement is strong enough to serve this function.

–Anthony Boyd
627 West Homestead Road
Sunnyvale, CA
94087
408–736–7890

MTC–00019339

From: Colin Wier
To: Microsoft ATR
Date: 1/23/02 7:55pm
Subject: Microsoft Settlement

To whom it may concern:

As a college student, I have a real problem with the deal that was crafted by the DOJ in regards to Microsoft. In the case of my generation, we have a growing number of concerns with computers in general. First and foremost, there is the recent labeling of any sort of computer infractions as a terrorist act. But that is another topic altogether.

In regards to Microsoft, this company in my mind, has completely overstepped its bounds. After being proven a monopoly they are escaping with what seems to be a complete slap on the wrist. When AT&T was considered a monopoly it was split up into tiny units, each independent of the other. Same with Standard Oil.

For years I have been a user of Microsoft Windows OS's. Every time I find more problems. However, due to their market position, I am unable to use tools that I need because of the way that Microsoft has created their software. If I am trying to install a program that I had used before on my Win98 machine, then install the same on Win2000, in my experience it fails about 80% of the time. This forces me to replace my perfectly good program with a brand new expensive one. This tool that I use to program C++ is also made by Microsoft. I eventually threw both of these away. Now I am running a Linux computer because of the problems that I have been having.

That is just one example, but I am sure that you know of many more. My only concern in the capacity that I am a student engineer (and very poor) is that I can not afford to pay the inflated prices for software that breaks down on a daily basis, has introduced a number of security issues to my computer, and also fails to work with previous versions. I have trouble affording bills, and I have precious little patience and faith with companies whose bottom line are more money than I can imagine.

I ramble on, but please, please, please incorporate stiffer punishment than the current proposed system.

Also, allow code to be looked at on a individual basis. Open source will, no matter what any Redmond sponsored scientist says, allow a person to fix their own on a more expedient basis and tie up security holes faster than the patches given out two months or more after they are found.

Sincerely:

A concerned US citizen

MTC–00019340

From: Mike
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft

Department of Justice:

Microsoft has contributed billions and billions of tax revenues to the United States Treasury, much of it earned in foreign countries. Further, its contirbution to the economy of this country is without precedent.

Millions of American rely upon its software for their daily work, and play. Microsoft, although it has been declared a monopoly by the courts, has not abused its monopoly. Who could calculate any damages that it might owe (to whom?) as to what its software should have cost if it were not a monopoly?

The only true competition is Linux software, that will not run the various applications that Windows will run. I work for a federal agency, and its work and efficiency without Microsoft software. In short, it would grind to a halt without their current software, and further development of same. Polls show that the majority of American people support Microsoft in this litigation.

Please do not abuse your job to see that justice is done for the benefit of all Americans, not just to competitors who wish to have the same sales and earnings that Microsoft has—-to be another Microsoft.

Mike Stoddard

MTC–00019342

From: charles
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

To whom read this,

I am a 18 years old consumer who purchases and enjoy Microsoft products. I wish to make a statement about the antitrust cases against Microsoft by Department of Justice.

My statement: I buy Microsoft products according to my own choices. I buy Microsoft products because the softwares provide me what I want: a word program, an excel file, an email bookkeeping system, an easy to use operation system, and consumer service. Those are why I buy Microsoft products. Microsoft did not force me to buy their products. I choose to buy freely. Microsoft softwares allow me to complete my tasks without a difficult. I don't see how Microsoft been cheating me because I am receiving benefits from Microsoft products and no negatives. I find it unhappy that the Department of Justice is attacking Microsoft for provide good products.

What did Microsoft do? Being monopolist? I wish to remind you that monopoly means: 1. Exclusive control by one group of the means of producing or selling a commodity or service, 2. Law. A right granted by a government giving exclusive control over a specified commercial activity to a single party. Those definitions are from www.dictionary.com <http://www.dictionary.com/> . Now I want to make you see that Microsoft is not a monopoly.

Is Microsoft a monopolist? No. Why? There are other competitors in the software market. There is Sun Microsystems, Apple, Corel, IBM OS/2, Oracle, and hundred of Linux software distributors. Is Microsoft alone? No. The market is an oligarchic, a normal form of market that exists all over the world.

Is Microsoft a monopolist? No? Why? There is no law that says ''Microsoft is the only producer of software for the computer and no company or a person shall compete with Microsoft.'' Therefore Microsoft does not possess any illegal monopoly.

I don't feel being robbed by Microsoft. Microsoft and I made a mutual agreement. I want softwares. Microsoft gives me softwares. I buy softwares. Microsoft gets money from me. I got 2 and Microsoft got 2. So we are even. I wish to remind you that the complaints against Microsoft did not began with the consumers or partners of Microsoft but the Microsoft's competitors. When the competitors saw Microsoft is being successful due to their excellent products, what they do? They go to the government and ask them to punish the winner. That is cheating. The competitors don't want to compete with Microsoft because they want to do it in easy way by ask the government to intervene and pull Microsoft down. The government is doing the competitors'' dirty works. That is not a free market but an element of socialism: government does works for businesses. Where is free competition? The freedom to compete against each other without government's helps? Government's job is to protect property rights and individual freedoms. I don't see anything in the US Constitution says, ''Congress shall make law punishing the businesses for being successful'' or ''Congress may help business crushing their competitors'' or lastly, ''Congress shall regulate businesses.''

I am proud to be the citizen of the freest country in the world and proud to hold the greatest degree of individual freedoms. But I do have the freedom to buy any software product from any provider I want to. I do not ask anyone to make that choice for me. I specifically did not ask the government to make that choice for me. It is mine to make. What products I want is mine to decide not the government. The government's job is to protect my right to buy any software from any provider not to trample my right to buy a product. United States of America is freest country where excellence, success, hard

working, and intelligence is rewarded not punished like our relatives in another side of Atlantic Ocean. But right now, William Bill Gates III is being punished for making wonderful products for people like me to buy and enjoy. What crime did Bill Gates did? The crime is being successful? The crime is being clever? The crime is to win the competition? The crime is selling a product? What crime? Antitrust laws do not promote competition but to punish winners. I want my right to buy any software from any provider to be respected and I mean it. So, I ask you to respect my right to buy and Microsoft's right to sell. It is a free country not totalitarianism or am I missing a totalitarian revolution that took over America government?

Thank you and I expect Microsoft to be pardoned and the government to apology for violating my right to buy and Microsoft's right to sell.

Charles R. Sterling,
a citizen of the United States of America
CC:mailto:activism@moraldefense.com @inetgw,mailto:let...

MTC–00019343

From: Brian Hall
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

I am opposed to the settlement in the Microsoft case.

http://www.bigfoot.com/brihall
Linux Consultant

MTC–00019344

From: Joshua Rochester
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Joshua Rochester

MTC–00019345

From: VanL
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

Hello,

I understand from various news sources that your office is gathering Tunney Act-related responses to the proposed Microsoft settlement. I am am writing to express my strong opinion that the settlement, as it stands, is a very bad idea.

I am a computer engineer, and I work for an ISP. As such, I have a better idea than most of the damage that Microsoft has done at a purely technical level.

The problem is that Microsoft is very good at marketing, and unfortunately, many of its competitors are not. Moreover, the opportunity cost of allowing Microsoft to continue have been HUGE—but they are not really visible unless one has the technical background to appreciate the superior alternatives that have been driven out of the market by Microsoft's anticompetitive behavior. These costs have never been widely acknowledged.

The damage Microsoft has done includes:
1. Undocumented, or poorly documented file formats. Primary among these are the file formats for the various Office applications. Microsoft's specifications on these formats are so complex and vague that no competitor—anywhere—has been able to reverse-engineer 100% compatability. Further, whenever any competitor gets close, Microsoft releases a new update that once again braeaks compatability. Microsoft also uses these incompatabilities to force customers to upgrade.

2. ''Embraced and Extended'' standards. Frequently, Microsoft has taken a widely accepted standard (DCE, Kerberos, SMTP auth, html, java) and changed it just enough that interoperating with anything other than a Microsoft product is partially or fully broken. They can do this because their desktop monopoly enables them to widely deploy their mutated standard. This is a deliberate attempt to fence off the commons, and make it proprietary to Microsoft. (For more information, search for ''Halloween Documents'' on the web, the section on Embracing and Extending Standards)

3. Multiboot license restrictions. Not widely known are the boot-time restrictions that Microsoft places on its ''partners''. These prohibit the display of multiple operating system choices at boot-up. For example, Be, Inc offered its widely acclaimed operating system for FREE to anyone who was willing to preload it on a computer in a dual-boot configuration. Those who took them up on that offer were quickly contacted by Microsoft legal, who prevented the display of the competing system. As a result, those who bought the computer had to go through a lengthy procedure to uncover the software that was provided to them for free—just because that software competed with Microsoft. For a more recent example, witness the ''relaxing'' of desktop icon restrictions by Microsoft: OEMs could put AOL's icon on the desktop only if it was accompanied by multiple icons advertising equivalent Microsoft services.

4. Anti-competitive bundling. In the newest version of Windows, Windows XP, several applications are bundled and uninstallable which, by any definition of the term, are not operating system services. Examples include the XP's passport integration, and Microsoft instant messenger integration. Read any of the many reviews on the web which talk about how heavy-handed XP is in pushing users to subscribe to Microsoft services.

This last point gets to the heart of the matter. Microsoft uses its desktop monopoly to leverage itself into other spaces in a unique and anticompetitive fashion. Permitting this to continue with just a consent decree and judicial oversight is no remedy at all. Remember that the current lawsuit was started because the previous consent decree did not restrain Microsoft's anticompetitive leanings in any significant fashion. Please don't repeat the same mistake!

As a citizen, voter, engineer, and consumer, please require that the conviction against Microsoft mean something! Please use all your efforts to require competition in the software marketplace. I know it may seem risky in this slow economy, but long-term, the best thing for the economy and the consumer is sufficient competition in the market.

Thank you,
Van Lindberg
Provo, UT

MTC–00019346

From: Ameesh Patel
To: Microsoft ATR
Date: 1/23/02 7:49pm
Subject: MSFT Settelement
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form.

Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They

continually display an arrogance that shows they have no regard for the law.

Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Sincerely,
Ameesh Patel
10810 N. Ridgewind Ct.
Tucson, AZ. 85737

MTC–00019350

From: Drake Wilson
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

Three words: Rethink it carefully.
Two words: Bad proposal.
One word: Ack!
Drake Wilson

MTC–00019352

From: Alex Morgan
To: Microsoft ATR
Date: 1/23/02 7:56pm
Subject: Microsoft Settlement
CC: axlmorgan@yahoo.com@inetgw
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

To Whom It May Concern (or Renata B. Hesse):

I would like to submit my comments regarding the Microsoft Settlement in the United States of America vs. Microsoft case as per the Tunney Act. I believe that in its current state, the Stipulation and Revised Proposal Final Judgement of the United States of America vs. Microsoft Corporation is designed to prevent Microsoft from engaging in the very behavior which led to its being found guilty, and in that regard, is fine. However, there are several problems with the entire settlement that in my opinion, should lead to scrapping most of, if not all of the judgement. In its current state, the document does not properly punish Microsoft for its guilty actions, nor does it completely prevent Microsoft from doing the same things again in a Monopoly fashion. Instead, if this Stipulation and Revised Proposal Final Judgement is accepted, Microsoft will simply use its monopoly position to change the methods by which it prevents competition from gaining a foothold in the market and taking away any of Microsoft's current market share.

I want to focus on one particular section, which I believe undermines the entire settlement and judgement agreement. In regards to section III-J of the Stipulation and Revised Proposal Final Judgement, I believe that this section will result in additional civil trials. Specifically, Microsoft will argue it cannot open its source code as it is protected by section III-J, and therefore, they cannot fulfill the other obligations of allowing ''Non-Microsoft Middleware'' to be freely operated as they would have to open source their computer code that would affect their operations, copyrights, and intellectual assets as protected in Section III-J. Section III-J.2. tries to address this point, but it becomes a very circular argument, as Microsoft can argue it knows its software best and opening it up would indeed violate Section III-J. 1., even though they are partially required to do by Section III-J. 1. While the three person Technical Committee (TC) in Section IV-B is designed to assist in determining which Microsoft source code is open for use and which isn't, it is very likely that Microsoft will argue in court against every single request of the TC. Further, it is likely that since Microsoft code is designed to be thoroughly intermingled, such that any Microsoft application works smoothly with any other Microsoft application, that opening ANY source code given to ''Non-Microsoft Middleware'' companies would violate Section III-J. 1. Even if it is possible to separate out aspects of the code covered under Section III-J. 1., such that source code could be given to ''Non-Microsoft Middleware'' companies, it is likely that this new software would not work as well as Microsoft ''Middleware'' products which have full access to the source code. Therefore, since this new non-Microsoft ''Middleware'' does not work as well as it should, it would quickly fall out of use among consumers because it didn't work. However, it would have failed directly by being set up for failure by Microsoft, and indirectly from consumer choice/market forces because the product could never work properly on a Microsoft-based operating platform. This final point is the most crucial because of the fact that Microsoft does indeed have an operating system majority (monopoly) on operating systems for most of the desktop computers in the U.S.A. If the new non-Microsoft Middleware cannot properly work on the majority of US computers since most of them have Microsoft Windows on it, how can the Middleware producers compete at all?

I now want to address the whole decision, and share my thoughts on the logic under the judgement, which I believe is partially flawed under the logic of laws, punishment, and justice. As I mentioned above, while I do believe that the judgement will prevent Microsoft from doing most of the actions it did before, it is not receiving any punishment for those actions. The actions prohibited in the document were illegal to begin with, and this judgement merely states that Microsoft will stop doing illegal actions, which by law, they should not be doing in the first place. Further, if they do these illegal actions, they should be expected to be punished under the law if found guilty. They were found guilty of monopolistic acts outlined in the Sherman Act, and therefore, should be punished. Since Microsoft's practices have hurt certain non-Microsoft ''Middleware'' companies, certain US states covered in this case, and possibly the US consumer due to lack of product choice, it stands to reason that a punishment against Microsoft, perhaps leading to compensation of the plaintiffs, should be part of this settlement. As I looked through the settlement, I did not see this covered at all. However, this sort of compensation, and attaching a monetary value to it, will likely result in unending greed and even more lawsuits which ultimately will not result in a proper handling of justice in this case. Unfortunately, any punishment against Microsoft will most likely result in hurting its base employees, which may not have been guilty of the actions that led to this settlement. Therefore, monetary actions should be taken out against Microsoft management and leadership, since they approved the actions that led to their guilt in this case. I believe this is important, otherwise the guilty upper leadership will simply take the monetary damages out on others in its company, resulting in unemployment of solid lower-level workers who were not guilty.

If monetary compensation will result in more injustice, then another solution makes more sense. Since most everyone (US and worldwide) uses Microsoft's base operating system (Windows) for its computers, it suggests that Microsoft's Windows OS has become the de facto standard of operating system for computer users. Therefore, to ensure they cannot exploit this monopoly further, (which they were proven guilty of) their source code, which enabled their monopoly, must be opened for EVERYONE to use. Microsoft should not be allowed to collect royalties on it, and all copyrights must be removed allowing all computer programmers, who desire to make products for commercial use, to work with the base source code free of charge. What this does is that it completely levels the playing field for all computer ''Middleware'' producers, such that no one has an advantage due to proprietary source code which everyone has a working copy of, but only one company (Microsoft in this case) has full access to. Now Microsoft will be forced to compete with everyone else on level footing, and any market share they gain will be due to hard work and product acceptance, not from unfair market advantages imposed by monopolistic practices. Therefore, Microsoft is effectively punished by removing the monopoly that it currently enjoys and uses to make profits at the expense of others.

If this were the proposed punishment and settlement for this case, I suspect Microsoft would oppose it violently, but it would indeed end the monopoly and force Microsoft to work just as hard as everyone else to get a product accepted by the market. Microsoft would not be at a complete disadvantage in this environment, as they still produce updates to the operating system that everyone buys, so they still maintain huge market share in operating systems. Under my suggestion mentioned above, the operating system would be open for all to use, and Microsoft would be forced to use its extensive wealth to develop new products and innovations to compete with all the new players in the market of ''Middleware''. Therefore, the consumers, states, and US all win due to all the new choices and the loss of the previous monopoly. If you desire more clarification on what I've written here, or need additional information, please feel free to contact me. Thank you for your time and

for reading my comments regarding this decision and settlement.

Sincerely,

Alexander B. Morgan, Ph.D.
303 Harrison St.
Midland, MI 48640
Email: axlmorgan@yahoo.com

MTC–00019353

From: Nathan Hubbard
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

I think the proposed microsoft settlement is a bad idea.

—Nathan Hubbard
San Diego, CA

MTC–00019355

From: Joseph Roth
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

After reviewing the points in the Proposed Final Judgement (from here on referred as pfj) I'm afraid that I would like to go on record as opposed to the pfj. I feel that the pfj allows Microsoft a way to get around every one of the points made. Some by just renaming software, others by not giving out information in a timely manner. To top it off there seems to be no real effective way to enforce the ruling, leaving it up to the legal system. The government has spent millions on this case and should not; in my opinion, throw in the towel in the final round.

Joseph Roth (JB)
Joliet, IL
my_sql@yahoo.com

MTC–00019356

From: Charles Welsh
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft settlement....

Over the last decade, I have known executives at two different companies (Neither of whom were mentioned in the antitrust trial) who lost their businesses solely because Microsoft decided that they should not continue to exist.

I also continue to work with companies who cannot conceive of choosing other than a Microsoft solution to base their products on. They simply assume that Microsoft will use its monopoly power to kill all competitors in any product area that it enters. Therefore, it is efficient to base their businesses solely on Microsoft technology and therefore risky to use any other technology.

I am hopeful that you will assess a meaningful remedy and a punitive sanction against Microsoft. In doing so, I hope that you will choose to take actions that allow real competition in the industry again. The market power that Microsoft commands is truly astonishing. The current remedies proposed do not correct this situation.

Charles V. Welsh
5949 Killarney Circle
San Jose, CA 95138
408.528.7681 V
408.528.7680 F
CC:dgillmor@sjmercury.com;;@inetgw

MTC–00019357

From: Richard Jetton
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

Greetings,

I write you to voice my disapproval of the proposed settlement in the Microsoft antitrust case. There are many reasons for my opinion, but the most pressing are quite simple. There is nothing in this proposed settlement that returns competition to the markets where Microsoft has illegally gained an unfair advantage.

To rectify the past illegal actions of Microsoft, a fair settlement should include these points.

1. Microsoft must freely and publically publish the complete source code for all software and firmware products it currently sells, and for all future products it offers during the next ten years. All software must include checksums of the resulting compiled images, and instructions on how to reproduce those images. This is the only way to allow third-party vendors to compete in areas where Microsoft has become the only player.

2. Microsoft must forever stop the practice of ''free bundling'' of its software (including operating systems) with PCs and other products. This practice hides the true cost of software from the consumer, and reduces the options available to consumers from retailers. This is especially true of the PC market. All Microsoft software addons to hardware purchases (including operating systems) must have a line item price that accurately reflects the prevailing retail price for Microsoft software. Also, Microsoft must charge the same to all of its customers, regardless of their purchase volume. Therefore, the consumer cost of a Microsoft product will be nearly the same reagrdless of when or where it is purchased.

I appreciate the opportunity to be heard in this important matter.

Richard Jetton
108 Heath Place
Westmont, IL 60559
richard—jetton@yahoo.com

MTC–00019358

From: Truman Phillips
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

To Whom it may Concern:

Dear Sir/Madam, My Name is Truman Phillips, and I work as a network administrator for my employer. I have been active in computers for the last 10 years or so, and in this time, I have seen many things come and go, and unfortunately, many products that were very good in quality/reliability have fallen to the wayside due to Microsoft's continued Monopoly status. Many software developers have been either run out of business by Microsoft's ''benevolent to consumers'' bundling practices, or Microsoft just outright purchased the companies. Stacker Technologies (Maker of Data Compresion software, Microsoft was found guilty of backward engineering Stack's technology) Netscape's Navigator/Comunicator web Broswers, back in 1995 William Gates, acting as a spokesman for Micrsoft had at times told people that Microsoft was not interested in the Internet, and shortly after they chagned directions, and started to incorporate a web Browser in Windows so that they could leverage thier current Monopoly to gain Market share.

I personally feel that the solutions presented as a settlement in the ongoing legal proceedings are by and far inadequete to restrain Microsoft's Monopoly on Operating Systems, or to nuture honest competetion in the marketplace. I also do not think that a breakup of Microsoft as was previously attempted would accomplish anything more than to make two/three smaller monopoly companies. I do feel that a market wide solution could be attempted. Microsoft has managed to maintain it Monopoly through preloading of software as the Computer Manufacturer.

I would propose a marketwide solution of a software package preconfigured and imaged to a CD-Rom disk(s) and sold as a seperate package. In this way, true Market choices could determine if there will be a monopoly.

In any event, I am not a lawyer, and this may not be feasible from a leagal standing. But please take to heart my opinion that as the current agreement stands is a bad deal for the consumers of America.

Sincerely,

Truman P Phillips
3320 Oak Harbor Road
Fremont, OH 43420
truman@alkoncorp.com

MTC–00019359

From: Ken Nuessle
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am very displeased with the proposed settlement the United States Justice Department wants to reward the predatory company Microsoft with its flagrant monopolistic practices. There desire to stiffle competing software in any venue is directly hurting the consumer. The proposal i saw did virtually nothing to protect the common person from this company. Some suggestions for things that need to be done to help other software companies. Certain aspects of the various Microsoft operating systems should be made open, particularly the API's and any file types. There is no reason for file types to remain closed, other than to hurt competition so multiple programs cannot coexists and work with the same files.

Internet explorer should be made an option, with a way of removing it. This is one buggy program which if you have a windows product leaves port 80 susceptable, not to mention the general assumption of webmasters to take shortcuts and ignore the other browser types. I use Opera 6.0 and Netscape 6.2 which don't work in certain instances not as a fault of they're own but more a result of Microsofts domination through uncompetative means.

Thank You for your time
Ken Nuessle
kennuessle@yahoo.com

MTC–00019360

From: J G
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

My name is Joel Garringer and I would like to comment on the proposed Microsoft settlement. I do not believe that the proposed final judgment what appear to me to be the two core areas wherein Microsoft has abused their monopoly power. I do not believe that the proposed remediation does an effective job of forcing Microsoft to allow other software developers the ability to fully support interoperability with Microsoft applications and operating systems.

Because Microsoft produces both an OS and the applications that run on it, they have the ability to conceal from competing developers the API's that the windows OS exposes. The remedy does not do a good job of defining what portions of the Windows API should be released to the public.

If competition and innovation are really concepts that all of the parties involved with this case value, then I believe that it is perfectly reasonable to expect Microsoft to release the full windows API, and to release these API's as soon as they become available within Microsoft.

Additionally I do not believe that there should be any restrictions on the types of development programmers who refer to Microsoft's API documentation are allowed to participate in. To give a developer access to the Windows API but not allow them the freedom to work on applications that may-or-may not run on Windows undermines the effectiveness of the settlement. I my mind this issue is the biggest, but not the only fault in the Proposed Final Judgment.

Thanks.
Joel Garringer
Sr. Web-Application Designer/Developer
1307 N. Irvington
Tulsa, OK 74115

MTC–00019361

From: jworth@ravenseye.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Please be aware that, after reading the finding of facts as well as most of the appeal decision and the subsequent proposed settlement, I cannot agree at all with Microsoft being allowed to continue in the manner that the settlement will permit. Please strongly consider harsher and more specific anti trust measures that will put competition back into the marketplace and give all consumers more choice in how we do something as pervasive as computing.

I do not want to live my life in a Microsoft dominated world at the expense of choice.

Thanks for your time and consideration.
Jeffrey A. Worth
8B Tucker Park
Pepperell, MA. 01463

MTC–00019362

From: Dean Antonelli
To: Microsoft ATR
Date: 1/23/02 7:56pm
Subject: Microsoft Settlement

Dear Department of Justice,

Following are my comments in support of the recommendations put forth by the nine non settling states.

Microsoft's predatory, monopolistic, and anti- competitive practices are well documented. They are under legal fire in the United States, China, Brazil and Europe. And yet, with their enormous monopoly gained resources they manage to buy a settlements i.e.. with nine states, to buy endless legal delays (that promote a denial of justice) while their products and associated proprietary training become ubiquitous, capture the marketplace and eliminate innovation and competition.

All this at a time when Americans are making sacrifices and responding with unprecedented patriotism to threats against our country and its beautiful inherited legal system which is the envy of the world. Microsoft, Enron—the global investment community is watching. America's business practices are on trial.

THIS IS THE TIME FOR OUR LEGAL SYSTEM TO UPHOLD THE LAW FOR THE BENEFIT ALL BUSINESSES, CONSUMERS, INVESTORS, INNOVATION, COMPETITION AND INTERNATIONAL TRADE.

Best regards,
Dean Antonelli
19799 Oakhaven Dr.
Saratoga, Ca. 95070

MTC–00019363

From: DAnderson@viewpoint.org@inetgw
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: ''Microsoft Settlement''

To whom it may concern,

I believe that the Microsoft settlement does not at all address the monopolistic practices of Microsoft. Perhaps the best solution to all, is the requirement of open file format standards allowing other programs to read and write Microsoft files. This would allow competing operating systems to convert Microsoft infrastructure while at the same time allowing Microsoft to maintain the secrecy of their source code.

I think the settlements being considered inadequate and furthering the monopoly of Microsoft.

Sincerely,
Dan Anderson

MTC–00019364

From: Sean Bruton
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea. I will be mailing a letter outlining my objections to the settlement to the Department of Justice.
Sean Bruton
Senior Engineer
NeoSpire, Inc.
v: 214.292.8170
f: 214.720.1836
www.neospire.net

MTC–00019365

MTC–00019366

From: Thera
To: Microsoft ATR
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior.

Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time,
Theresa Peterson

MTC–00019367

From: ftg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

Having reviewed the available material, I do not agree that the proposed settlement will be at all effective in any of the areas of punishing Microsoft for the offenses of which it has been found guilty, preventing future violations, or making any realistic restitution to those harmed to date.

Microsoft maintains its monopoly almost solely through punitive contracts with OEMs which discourage them from offering alternatives to Windows. It is only their monopoly that gives these contracts ''teeth''. If OEMs believed that they could obtain equal treatment from Microsoft in spite of offering competing products, they would offer those products if the market wanted them. As it is, OEMs are too scared to offer

even Windows-based products that are seen to threaten Microsoft's monopoly. A perfect example is the Sun Java Runtime for Windows. This product is free, yet when Microsoft decided to remove their own Java Runtime from Windows XP, no OEM dared to bundle the Sun Java Runtime with their Windows-preloaded PCs for fear of retribution from Microsoft. The only effective throttle on Microsoft will be to force it to deal equally and fairly with OEMs. OEM deals should be in the public domain, and any OEM who has been the victim of discrimination ought to be able to recoup extreme punitive damages. These are not conditions to which an arbitrary software company should ordinarily submit, but in the case of Microsoft, they constitute a ''punishment which fits the crime''. Microsoft has abused its monopoly position by wielding this weapon against OEMs in order to maintain its monopoly, and it is only just that any punishment demand damages from Microsoft in this area. The proposed settlement will be, in my opinion, absolutely ineffective in controlling such abuses in the future.

Sincerely,
Francis T. Griffin
Biddeford, ME

MTC–00019368

From: Brian Trosko
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

I am writing to express my extreme dissatisfaction with the proposed settlement between Microsoft and the Department of Justice. The proposed remedy amounts to nothing more than another consent decree, the same sort of thing that Microsoft has simply ignored and violated many times in the past; the proposed regulations seek to regulate Microsoft's behavior, but have no teeth as far as enforcement of that regulation, and so will have very little ability to prevent Microsoft from extending its monopoly power and engaging in more anticompetetive, anti-consumer behavior. Microsoft was found be be acting illegally as a monopoly; any remedy to this crime needs to end that monopoly power, and the proposed settlement completely fails to do that.

Sincerely,
Brian Trosko
btrosko@panix.com

MTC–00019369

From: Eric Jungemann
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

Please do not buy into the settlement with any contingency on Microsoft services or software being provided directly. This settlement must be platform agnostic. I view the Microsoft offer as a thinly veiled attempt to get the remaining 5% of the desktop (Apple1s) to increase their monopoly further. The settlement must in fines/money into a fund without Microsoft being able to declare retail or even heavily discounted values of their products/services against the fund. After all, what is the true incremental cost to Microsoft for burning an extra Windows XP or Office XP CD. Let the schools have complete discretion (and perhaps encouragement to act contrary to the Monopolist) and Microsoft offerings against the fund must be at their largest discount to ANY of their customers.

Sincerely,
Eric Jungemann
General Partner
InfoMatrix
Tel/Fax/Vmail: 530–672–0144
Email: eric@infomatrix-usa.com
Web: http://www.infomatrix-usa.com

MTC–00019370

From: Dale Schoeck
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft in this antitrust cast is not a viable solution, and lacks the teeth to force Microsoft to ment its ways.

MTC–00019371

From: Jack Norskog
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Billies latest vow is to Kill Linux. Now a little monkey and good to be a large gurilla. He has teams visiting the enterprise companies offering incentives not to employ linux and us Microsoft products. They have pernission to sell these products cheap or actually give them away to keep them out of their networks.

Please, reconsider the final judgement.
Jack Norskog

MTC–00019372

From: bobygladys
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: MICROSOFT SETTLEMENT
ROBERT B. JORDON
33 BEAUVOIR COURT
DERWOOD, MD 20855
301–963–4084
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

I am writing to express my thoughts on the Microsoft case. I am very glad to see that there has been a settlement reached. This case has dragged on for nearly three years and in my view has hindered the countries economic development. Accepting this settlement will allow both Microsoft and the U.S. Government to apply their resources to endeavors more pressing and of greater benefit to the public than the pursuit of prolonged legal battles.

I use Microsoft products on a daily basis. I feel the company has built an excellent array of products and applications which have greatly facilitated the interchange of information and ideas throughout the world. I applaud the concept of free and open competition as well as recognize the need for business to aggressively pursue growth. Microsoft has become a leader in the market through bringing to the public the product that best suits the consumers'' needs. I believe that the settlement will aid other companies in developing competing and complementary products—whether this advantage is warranted, or not, seems to be a decision that your organization has reached a decision upon which I would like to see brought to rest. This appears to me to be a sufficient step in responding to the claims of monopolistic practices.

For the sake of all concerned please settle this suit and allow Microsoft to concentrate on their business and contribution to the U.S. economy.

Sincerely,
Robert B. Jordon

MTC–00019373

From: Sheila Medd
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

As a taxpayer I would especially like to see this matter settled as agreed to by most of the parties in November. As a consumer, I would prefer to have no more government regulation than we already have as it tends to increase the price I pay for items. I believe that the settlement should remain as decided in November in the interest of hopefully an aid to the ailing economy especially since the events of September 11th.

It is my hope therefore that the the Microsoft settlement will be approved without change.

Sincerely,
Sheila G. Medd
Crossville, TN

MTC–00019374

From: Velocity Channel
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

As an IT professional, Microsoft's tactics have made my job increasingly more stressful. As a consumer, Microsoft has taken away choice. They would like you to believe that their only concern is the end user, but the fact of that matter is they strengthen their monopoly everyday using illegal means to shove their software and services down our throats.

Windows needs to be restrained. Let MS make their operating system. But please keep them from filling it up with their own versions of software like web browsers, instant messaging clients, email clients and internet access. MS has the advantage and continues to shove their products down our throats by incorporating these programs into Windows. This leaves competitor's applications to suffer. It is not fair to these companies, and to the users. We want choice. Don't let MS tell you what they think we want. Let us tell you what we want, so that you can make the proper decision.

Please make Microsoft accountable for their actions. Keep them in line by watching

and questioning their every move. If this isn't done, I am afraid that the term Federal Government may be preceded by the word Microsoft very soon.

I don't think that the current settlement is enough and I don't support it. Impose stronger restrictions on this company. I think you had the right idea when you originally decided to break them up.

Thank you,
Brian DePardo
43 Bailey Street
Cranston, RI 02920
401–943–3239

MTC–00019375

From: Harry G. Hudak
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Let's just get it over. This case, from the outset, has been about those who are not inclined to compete. They are lazy, slovenly, and just plain whiners. They just think ''it's not fair! They have more than I do and I want some. Guess I'll go to court for my share.'' I for one say more power to Microsoft. It's called CAPITALISM! If you can't stand the heat, get out of the market-place. If you truly have a product that is worthwhile, people will buy it. Just get it out there.

Netscape used to be a good browser. As a matter of fact, I used to use it. Then AOL bought it and the only thing they seemed to be interested in was hemming me in to ONLY their content. I now use Internet Explorer. AOL ruined the internet. THEY are the ones who should be outlawed.

So, again, just end it. You have wasted enough of our TAXPAYER dollars on an issue the CONSUMER will settle with his DISPOSABLE INCOME!

Harry G. Hudak

MTC–00019376

From: Art Carran
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Please don't rush to settlement. Microsoft's long term illegal behavior deserves an appropriately stiff penalty.

MTC–00019377

From: Kristen McNall
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

I feel that the Proposed Final Judgement does not go far enough in limitting Microsoft's anti-competitive practices. Microsoft's must be prevented from leveraging its OS monopoly to distribute additional products.

Thank you,
Kristen McNall
Mosier, Oregon

MTC–00019378

From: bill@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

Dir Sirs,

I believee that there are serious flaws with the proposed Microfoft settelment. Please refer to http://www.kegel.com/remedy/remedy2.html

Thank you
William Tonseth
Software Engineer
Hudson, NH

MTC–00019379

From: Thomas Lyon Gideon
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

I am appalled at the mere suggestion, in the proposed settlement, that Microsoft be ''forced'' to donate software, to a set limit, to schools. Aside from the, arguably invalid, implication that Microsoft sets their pricing so directing them to give away $XXX worth of software means they could conceivably set their prices to give away one $XXX copy of Windows. What the DoJ must realize is that much path dependency when it comes to software is developed while users are in the educational system. If students learn Microsoft software, what are they going to be encouraged to buy when they matriculate and become good little consumers? If anything, this aspect of the proposed settlement practically gives Microsoft a stronger hold on a potential enlarged consumer base than they already have. Rather than allowing them to propagate their software further, the proposed remedies for open up the ISVs and OEMs should have more teeth, especially the smaller, regional ''white box'' providers. Letting Microsoft donate their product to a captive audience is more like spraying gasoline on a fire than spraying foam.

Thomas Gideon
Senior Software Engineer
B2eMarkets
mailto:thomas@gideonfamily.org
http://www.gideonfamily.org/tom/
jabber:Highlander@jabber.org

MTC–00019380

From: Roy Hollinger
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

Dear Sir or Madam,

As a software professional (Senior Software Developer) I have serious concerns with the proposed settlement with Microsoft. The biggest problem is that the consent decree is in many ways like the 1995 decree, it doesn't really stop Microsoft from doing anything. The definitions that the decree are based on are overly restrictive and narrow.

This proposed decree appears to be written solely by the Microsoft lawyers as it doesn't offer any protections to individuals like me in either my personal or professional life. I'm also concerned that the decree doesn't have any protection for tools that provide inter operability between operating systems and platforms. The decree appears to give Microsoft the ability to change their SDKs, interfaces and protocols with little effort. This would allow Microsoft to kill tools that exist to provide cross platform communications, such as SAMBA and Wine.

Roy Hollinger
3321 Darrah Ave
Morgantown, WV 26508

MTC–00019381

From: Sean Stevens V.2.0
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

Microsoft is keeping innovation out of the computer market. I've seen it firsthand. people can't compete, they are too big.

–sean stevens,
Brookline, MA

MTC–00019382

From: gary@garytakahashi.md@inetgw
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am adding my voice to the number of people who feel that the Dept of Justice's remedy of the Microsoft Antitrust case is woefully inadequate, and demonstrates a clear lack of understanding of the issues involved, including what is at stake.

I fear that allowing Microsoft to continue with these paltry and easily sidestepped penalties will not be good for the consumer as a whole, and will stifle innovation instead of encourage it. I am writing to encourage that the DOJ rethink its decision, and press for hard and firm penalties this time.

–Gary Takahashi, MD

Please send all email to gary@garytakahashi.md or takahash@europa.com.

My ohsu.edu account has closed and will no longer be forwarded to me.

MTC–00019383

From: Trevor Goodyear
To: Microsoft ATR
Date: 1/23/02 8:02pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to add my vote to those who are not satisfied with the current terms of the settlement with Microsoft. Those penalties which it does impart on the company will likely prove ineffectual in their attempts to stop Microsoft from continuing its practices of leveraging other companies out of business.

As an example, forcing Microsoft to donate software to schools is preposterous. The academic world is one of the few realms in which non-Windows machines have a foothold. Such donations would only work in Microsoft's favor.

If you believe at least part of your responsibility is to make sure such behavior is not repeated, you will not accept the current proposed settlement.

Sincerely,
Trevor Goodyear

MTC–00019384

From: Gregg Bloom as Colz Grigor
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft Settlement

Hello. My name is Gregg Bloom. I am a voting citizen of the United States and a resident of Santa Cruz, California.

I do not find the current proposal between Microsoft and the Department of Justice to be satisfactory. Microsoft has been found guilty of manipulating its monopoly to the

detriment of the computer-using community for over a decade. It has had very bad business practices including taking advantage of much smaller companies in order to use the smaller company's superior technology and, in effect, put the smaller company out of business.

I do not think the proposed judgment successfully addresses the companies that are no longer on-going concerns as a result of Microsoft's bad practices.

I believe that the best way to address this issue has several components.

First, I would like to see Microsoft forced to redesign its operating system so that any individual component that has been included with a distribution of Microsoft Operating Systems (95, 98, me, XP, and .net) can be replaced with a third-party's version of software that performs the same function. In order to do this, Microsoft will need to provide detailed specifications for all of its existing and future components of their operating system for a period of time (I believe ten years is satisfactory), and a very easy process for a user of Windows to select the components of the operating system that they would like to interchange with software that they have received from a third party.

Second, I would like a small government agency established. This agency will receive money from Microsoft (a set amount per year for the term of this judgment (ten years at 500 million a year?)) and will fund smaller companies attempting to improve on the individual components of the operating system. This agency will be responsible for evaluating business plans for the proposed improvements, and will be able to withhold payment if it is apparent that the small company is not performing as anticipated.

::Gregg Bloom

MTC–00019385

From: Scott Metzger
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft

I think you should let Microsoft run the US goverment. I mean History shows how current power always falls.. Look at the Roman Empire. It was great like the US and then it fell.. Same thing could happen to the US. =)

or of course you could make windows XP a free program. Don't they have enough money?

MTC–00019386

From: David McCuskey
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement—needs to be stronger!

hello,

just wanted to say that the Microsoft settlement is a **BAD** idea. it essentially rewards them for their monopolistic behavior by giving them a tax write-off (not paying full price for software/machines via inflated prices)and entering in an area (education) for which they haven't been able to grab.

== Quality

Microsoft products are sub-standard by any means and are expensive, but MS can afford to continue this practice because they are a monopoly. they purposefully withhold information regarding their products (protocol specifications, etc) so that their software will be preferred on their system (even over other windows-based software).

Their previous operating systems: (esp Win95, Win98) were some of the buggiest OS's around (this is documented). i have first hand experience - i run Win98 because i need to use Internet Explorer on a PC to check websites that i create.

Microsoft software has been shown to be extremely insecure (even by MS themselves)—just search for the various security holes and viruses from this past year alone—and is running on a majority of the computers in the world. this is scary. they do not act quickly enough for their position of responsibility. (to handle this, they usually come out with another version of an OS, name it something different, and charge people again for a fix to the problems that were in the original software).

== File formats

MS has purposefully safeguarded file formats and changed them (notably, MS Word) so that their software 1. is constantly re-purchased by the users (though most people don't need any new ''features'') 2. other software manufactures cannot create competing software (due to file format incompatability issues).

==Open Source their stance against Open Source software is totally unfounded. with OS, they have found an opponent that they cannot fight or buy so have resorted to their Fear, Uncertainty and Doubt (FUD) tactics, and have barred OS software from their systems.

OS software is some of the best written AND SUPPORTED software on the planet because there are many people who can look at and change the code. it has been proven that this model works—and practically all Universities, and many companies, etc use OS software on a daily basis (Perl, Python, mySQL, PostgreSQL, Apache, emacs, Linux, GCC (software compiler), etc). all of these are highly regarded as the best tools. and a majority of the Internet is created and run with these tools. it is the end-users that are suffering for these practices. development and innovation have been stifled (R&D isn't necessary if you're the ''Only Kid on the Block'') and their computing experiences are rife with frustration (ask me, my parents and friends).

Push for a harder settlement:

i don't think the settlement is enough—the amount they should have to pay should be 10 times more... they have gained their position of power and wealth via monopolistic practices.

thank you,
david mccuskey
programmer and consultant
David McCuskey
m 503.544.7220
f 755.640.8823
www.mccuskeyconsulting.com

MTC–00019387

From: RGA
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

Department—

As a user of Microsoft products, I favor the settlement that the Department and several of the State Attorneys General have negotiated with Microsoft, and urge that you finalize that settlement on its existing terms. I believe that this settlement is in the public interest and should be submitted to the court with the recommendation that it be approved in its present form.

I have followed the litigation closely. It appears to me that too little weight is being given to the fact that Microsoft's success in the market was based on merit, not market share. The sooner that this protracted litigation can be finally resolved, the sooner that Microsoft will be able to return its full attention to its first priority—the consumer, innovation, and improved products at lower prices.

Thank you.

Gordon Appleman

MTC–00019388

From: ARobertWSimmons@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: AOL-Netscape vs Microsoft

Netscape became netscrap due to their inability to innovate and update to KEEP there customers. Customers especially happy customers keep you motivated to do better, Netscape was not able or capable of listening to their consumers. Microsoft a newcomer to the browser market had what I would call a lousy product in the beginning. With their consumer follow up and product hotline they took the heat made product changes and today they have a great product that works well with just about any program. Netscape via AOL today will kick you from programs and you have to reboot to get back into that program.

AOL knew or at least I hoped they knew that what they were buying was a oversize peice of software that needed alot of work to make it a streamlined player iun the game of Browsers. Don't use the feable excuse that Microsoft bundle the product with Windows that caused Netscapes problems that just not true. You still had to buy the Windows program and you paid alot of money for that software. I was glad to get anything and everthing they had for that purchase. It works great then and it works great today. I've bought Netscape Gold, Netscape Premium, and Netscape programs to assist me in other online programs in the past, and after a month trying to work anyone of the programs I deleted the programs and went on with another program. If AOL is so hot on Netscape I have three different progams that Netscape came out with I'll be more than happy to send them back for credit.

Microsoft products and Internet Explorer works well, with ease, and does not take up alot of memory.

Tell AOL to market their product the right way and listen to the consumers whobuy the products, and maybe they may have a chance in getting back market share they have given upon hoping that the DOJ would help them with. Let the consumer be the judge of what products are good, and what product systems they wish to buy.

Thank you, I was just going to say a few words but I got on a consumer roll.

RW Simmons

MTC–00019389

From: Scott Lavergne
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

This settlement is unacceptable. I am a computer consultant mainly handling the end users. Microsoft makes my job possible. There poor software provides endless hours of work for me and my company. If it were not for Microsoft I would have one tenth of the revenue. Yet, I am taking time out of my day to request that Microsoft be split into three perhaps 4 companies. This would provide for some competition and finally some better software. I see the splits happening as follows.

1. Office products (MS Office, MS Money)
2. Internet Services (MSN...)
3. Server Software (Exchange, SQL)
4. Operating Software (Windows)

This configuration would hopefully over time dilute the force that is Microsoft and eventually bring stable reliable software to the small business end user.

Sincerely

Scott Lavergne

MTC–00019390

From: Brendan
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft Settlement

It's not about a monopoly, it's about one company being in control of most of the worlds computers by way of licensing and price. It's about giving other companies a chance to succeed.

Brendan

MTC–00019391

From: Chris Lawrence
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

I am writing in opposition to the proposed settlement of the U.S. case against Microsoft Corporation. In particular, I request that the following, or something substantially similar, be made a condition of any settlement with Microsoft:

Microsoft shall be required to disclose all application programming interfaces (APIs) that are used by any software sold or given away by Microsoft that is not included with Windows 98, Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows CE, Windows XP Tablet PC Edition, or any subsequent Microsoft operating system implementing portions of the Win32 API, as well as any Microsoft Middleware component that is offered for free download by Microsoft, including Internet Explorer (''add-on code''). Microsoft shall further be required to provide public documentation of these application programming interfaces, available to software developers at a reasonable cost, at a similar level of detail to Microsoft's existing documentation of public APIs, not to exceed the per-page cost of said documentation. Microsoft shall further be obligated to fully disclose the effects of API calls made by its add-on code, including the side-effects of specifying particular arguments to these API calls.

The technical committee or any third party shall have the authority to inspect Microsoft's add-on code, in binary form, and documentation to verify compliance with this provision.

Nothing in this section shall compel Microsoft to provide any such add-on code for free for use with non-Microsoft operating systems; however, no add-on code sold for any monetary cost (including ''Microsoft Office'') shall require the use of a Microsoft operating system for execution of said code. Further, nothing in this section shall limit the technical committee's rights to examine source code as set forth in the agreement.

I also fully support the position of Dan Kegel, et al, in their forthcoming letter regarding the settlement.

Christopher N. Lawrence
Ph.D. Candidate and System Administrator
2000 Libertarian candidate for U.S. Congress, 1st District of Mississippi
Oxford, Mississippi
Chris Lawrence <chris@lordsutch.com>—
http://www.lordsutch.com/chris/

MTC–00019392

From: Jay Mehaffey
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

Microsoft deserves to be broken up, any lesser punishment is an injustice.

Jay

MTC–00019393

From: Gregory P. Turza
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

We live in the greatest industrialized civilization in human history. In the last 20 years we have experienced a computer revolution that has increased our productivity beyond our previous ability to imagine. The greatest leader in that revolution is Bill Gates and the company he created, Microsoft. It is an obscene injustice that instead of honoring and admiring Microsoft as the greatest modern hero of this industrialized civilization, that we instead are imposing any punishment whatsoever upon it.

Gregory P. Turza
2415 N Kedzie Blvd.
Chicago, IL 60647
773–294–1779

MTC–00019394

From: Dennis
To: Microsoft ATR
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

I am sending this e-mail to protest the proposed settlement between Microsoft and the government of the United States. I have been a software developer for over 18 years. I have seen the birth of the PC and watched as it has become a vital part of our everyday lives. The computer has been both my livelihood and hobby for a long time. I have used Microsoft products in the past and I do now. I use the best tools for the current job.

Sometimes that's Microsoft, sometimes it's not. Over the years I have watched Microsoft grow from basically a garage operation to a massive global company that has unbelievable say in the direction of the computer industry. Apparently, Microsoft has forgotten, or never knew, that with that immense power comes great responsibility. I believe that Microsoft has damaged the computer industry. Due to their incredible marketing and legal might, they have forced PC manufacturers to include only their software and no other. The have tried to prohibit manufacturers from selling PC's without an operating system. They charged manufacturers for a copy of the Windows OS even if they did not ship it. Even today, it's virtually impossible to buy a PC with no operating system from a major manufacturer.

I am aware of the false error messages planted in the Windows 3.x beta product that were produced when running on DR DOS which killed that software. They gave away an inferior web browser simply to crush a technically superior product just because they could. They have operated under and ignored a previous consent decree designed to reign in their behavior. They have lied in court, produced false evidence, faked ignorance of e-mails. They had a ''Contest'' among PC manufacturers to report people who buy PC's with no operating system installed.

Following are some of the remedies that I would like to see. I believe that they would go a long way towards opening up competition in the software industry.

1. Force Microsoft to open up their complete API's. That's every one of them.

2. Prohibit Microsoft from changing any API's unless published first.

3. Force Microsoft to open Windows source code to companies that make competing software.

Also, Microsoft should pay a fine based on the severity of their monopoly conviction. I believe that this fine should be large and be based on the profits that were gained from their monopolistic behavior. I am aware that some of my points may seem trivial and not connected to the anti-trust trial. The trial points are clear and well known. I wanted to present some other points that may or may not be so well known as reasons for my sending this e-mail.

Thank you for your time.

Dennis Cottrell
dcottrell6@home.com

MTC–00019395

From: Rich Griswold
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

I am writing today out of concern over the Proposed Final Judgment in the Microsoft antitrust case. I have several years of computer experience, and am currently working towards my Master's Degree in Computer Science, so the settlement of the Microsoft antitrust case will have a large impact on my future.

I have read documents covering the Proposed Final Judgment, and I have several concerns. These concerns are summarized nicely by Dan Kegal at http://www.kegel.com/remedy/remedy2.html:

The problems identified above with the Proposed Final Judgment (PFJ) can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system —even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

I am troubled by the possibility that all of the time and money spend on the Microsoft antitrust case could end up wasted, and that we could have a repeat of the 1994 consent decree. Allowing Microsoft to maintain, and even expand, their monopoly will stifle competition, innovation, and growth in the computer industry as well as other high-tech industries.

As someone who is very concerned about the future of the computer industry, I do not want to see this happen. Please consider these arguments against the Proposed Final Judgment.

Thank you. —

Richard Griswold griswold@acm.org

MTC–00019396

From: Albert Howard
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

Dear Madam/Sir:

I cannot believe the DOJ is allowing Microsoft to keep its ill-gotten gains but is going to trust it to stop!? I believe the solution from Judge Jackson was the minimum due. Divide the beast.

Thank you,

Al Howard

MTC–00019397

From: Bernard702@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

I am writing to voice my support for the Microsoft Position regarding the settlement you are considering.

It is my feeling that Microsoft has achieved its success by focusing on the services it could supply to ''the user''. Its'' commitment to excellence and to the consuming public has brought great value to everyone and a modicum of standardization upon which even its'' competitors have been able to build their products and their own success stories. Its'' competitive spirit has, also, stimulated and enriched others within its'' industry. This should not be misinterpreted as ''abuse'' but, rather, applauded for its'' contribution to the growth og our economy and ''others'' within industries of all kinds. This is the time for us to focus on market competition and technical achievement as well as cooperation within the industry. It is my opinion that that will make the consumers'' computing experience easier, more valuable, and contribute to the economy during these most trying times. Continued litigation is, at the least, a waste of financial resources and, at the worst, consuming vital time from Microsoft, a very hard working, consumer orientated, and competent Company.

MTC–00019398

From: Mark Manley
To: Microsoft ATR
Date: 1/23/02 8:06pm
Subject: Microsoft V.S. Choice

It saddens me deeply to see the government take the inititive and choice out of the computer industry by allowing Microsoft to so completely dominate things. Who would spend money to develop new technology, knowing Microsoft can, at a whim run right over you!

Mark Manley
2346 S 119 E Ave
Tulsa, Ok 74129

MTC–00019399

From: Bob O'Connell
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

I believe the settlement is a slap on the wrist because it lets Microsoft put Their software in more places as a punishment, give me a break. If you want to make it a punishment fine them the cost of computers plus the retail price of the software, then they can purchase the computer and software they want.

Here is a link to an article that says exactly what I was thinking. http://www.infoworld.com/articles/op/xml/02/01/21/020121opsource.xml

MTC–00019400

From: Joel Seiferas
To: Microsoft ATR
Date: 1/23/02 8:17pm
Subject: Microsoft Settlement

I'm busy right now, but I certainly DO NOT AGREE with the proposed Microsoft settlement.

Joel Seiferas
joel@cs.rochester.edu
CC:joel@cs.rochester.edu@inetgw

MTC–00019401

From: Michael J. O'Neill
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It's punishment so trivial as to be a relative

reward to Microsoft for its actions. I do not believe the proposed settlement is in the best interests of consumers or citizens of the United States.

Michael J. O'Neill
47 Valley Hill Dr.
Holden, MA 01520
508.829.3187

MTC–00019402

From: achaney@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

Dear DOJ,

I think Microsoft should be disbanded, it's assets sold off (no microsoft employees allowed to buy) and the money be given back to the share holders and it's customers. Their 33 billion dollars in cash in the bank should be paid back to everyone who was over charged and any company that was put out of business by Microsoft FUD and strong arm tactics. Myself included.

I have since switched to apple computers for my personal computer needs and have never looked back. With Mac OS X I can DO ANYTHING I want, on the internet, with music, video, writing software weather it be Java, Perl, HTML, C++ or Objective C. I have the tools to do thing fast and with style without the MS baggage and the cost associated with over priced bloatware. I do not like being rip off by Microsoft with their constant forced upgrades that give you no real benefit, and over priced bug ridden software was just too much and not even worth it anymore at stay with the ''standard''. Which is why I left them forever. The same things can be done in Win 98 or the Mac OS that you can do with Win XP there is real no functional difference or advantage to XP over 98 or the Mac. But MS says that XP is so much better than win 98 you need to buy this or be left behind. But in reality most people do not need to. MS just wants more of your money with nothing given back other than flash and no substance. Microsoft is not the standard. It's the exception to the rule. They take standards like Java, Kerberos, HTTP, TCP/IP, etc... and change them in such a way that it makes it incompatible with everyone else just enough so that it makes difficult or impossible to use. What was once a easy to use system is corrupted to make it work only on windows. They tired this with java by putting windows OS hooks in their java compiler so that if you made a java application or a java applet on a windows machine it would not work on the Macintosh or Linux OSs, and when they were called on it they dropped java altogether calling it a virus. That's no joke.

They have done this time and time again. They violate NDAs when it suites them with no more than a ''We're Microsoft, suck it up and deal'' I know of friends who have experienced this first hand. Microsoft knows NO ONE is going to take them to court because no one can outspend MS, and it seems not even the federal government can either.

They copy what they want, they steal what they want, they do what they want and there is no one to stop them. They have no fear of being sued, with the exception is really big companies. I hope AOL gets somewhere with their lawsuit concerning Netscape I believe they will not in the end, Not because AOL does not have a case but because they are Microsoft and just dazzle the judge with a lot of hard to understand ''facts'' and then MS wins. And the status quo is maintained.

I finish with a quote. ''A market-crushing company can no more be called CAPITALIST than an abortion-clinic killer can be called Christian.'' ? Sue Doanim

Thank you for your time,

Adam Chaney, Programmer

PS. I'm writing this on a Powerbook G4 Titanium using apple's Mail program on Mac OS X 10.1.2.

MTC–00019403

From: DeeKay
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

I think this settlement hardly deserves this name. Where's the punishment for the wrong Microsoft has done? If you let them get away that cheap, you ultimately prove that the government doesn't have any power over a company as large as that! Besides from that: Microsoft itself hasn't paid a single dime in taxmoney last year, so quit treating them as if they were the great taxpayer that needs not to be harmed!

Best regards,

David Keegan

MTC–00019404

From: David Pohlman
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: microsoft settlement

It is a shame that the settlement with Microsoft was determined by who won the election, not the merits of the case. Make them do something real rather than just promise to be better next time. The ''donation'' to the schools is something that is designed to further kill competition.

MTC–00019405

From: Nocon, Rizaldi C.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am from a developing country and we need very good but free software. If Microsoft eventually kills the idea of free software by strangling/stiffling it, how can we get access to the same.

Regards,

Rizaldi Nocon

Manila, Philippines

MTC–00019406

From: nat@ferrus.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:15pm
Subject: Microsoft Settlement

The proposed settlement does not solve the problem of Microsoft being able to illegally sustain their monopoly. If the settlement is accepted, it will merely allow them to continue on as before, unhindered. —

Nat Tuck <nat@ferrus.net>
81 High St
Rockport, MA, 01966

MTC–00019407

From: Mark Rice
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

People of the Department of Justice, I am just a U. S. Citizen and not a lawyer. But I think the settlement is just a slap on the wrist. It does not remedy the continuing pattern of abuse. If we had real competition in desktop OSes and office software we would not see Microsoft do the following:

A) Treat the customer with contempt. The product activation feature means I have to ask permission to use what I have paid for. They would not be able to do this in a competitive environment.

B) Prohibit OEMs from shipping machines that boot to both Windows and another OS such as Linux, BSD or BeOS. You can not buy a dual boot computer from an OEM. The market craves this. Something is wrong.

C) Reward workers at OEMs for telling Microsoft who has ordered ''Naked Computers'' without an OS installed. Microsoft thinks it is entitled to collect money for every computer even if it does not have a Microsoft OS on it.

D) Have dead people write letters of support to state Attorneys General. Microsoft was not even apologetic when they were caught on this one!

Thank you for reading my rant!!

Yours Truly
Mark S. Rice
1514 Oyama Place
San Jose, CA 95131

MTC–00019408

From: Alan Mortensen
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

There are many that know the law and government proceedings more than I, so I will refrain from commenting on them directly. What I experienced is the damage that Microsoft has done first hand. I've been a Java developer and Macintosh user for many years now and the actions I have witnessed are a travesty. They cast a shadow over the entire industry where the executives always ask, what will Microsoft do? Will they care enough to take us out or buy us? What I value as a developer is innovation and Microsoft has done everything in it's power to crush innovation in other companies and therefore in the industry as a whole. They have exhibited not only incidents of monopoly behavior but a consistent and pervasive pattern of abuse of power.

On the subject of the decision, I don't see how this decision will change any of their techniques and it will take up considerable manpower to try to enforce. Trying to solve Microsoft via a bureaucracy is not a reasonable solution, there will always be too many vulnerabilities, either from loopholes or corruption. I'm no expert on punitive practices, but I do know a fair amount about business practices and I don't think this decision will slow them in the least. They will just adapt around it. They are a monopoly and they need to be handled specially for it. My primary suggestion is exposure (source code) and extreme fines. A

break up sounds unlikely but I would prefer it, a horizontal break up, consisting of multiple OS/Office/Database/etc. vendors that could compete.

Alan Mortensen

MTC–00019409

From: Charles Levine
To: Microsoft ATR
Date: 1/23/02 8:11pm
Subject: Microsoft Settlement

Comments on settlement of Microsoft Antitrust case

I support the proposed settlement reached between Microsoft, the DOJ, and nine states. The legal process has run its course and it is time to conclude this matter. It is difficult to see what harm has come to consumers from the ''browser battles'' that were the crux of the case. The settlement focuses on changes to Microsoft's business practices which seems reasonable in light of the ruling by the Court of Appeals. Continued litigation is in the interest of only two groups: (1) Microsoft's competitors, and (2) the lawyers working on the case. The purpose of antitrust laws is to protect consumers, not competitors.

MTC–00019410

From: Theta
To: Microsoft ATR
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. What information needs to be released to ISVs to encourage competition, and under what terms? The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways: 1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin''. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited? The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Which practices towards ISVs should be prohibited? Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing

middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this. MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows: The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other

areas. The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Thank You For Your Time,

Theresa Peterson

MTC–00019411

From: Joe Naccarato
To: Microsoft ATR
Date: 1/23/02 8:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in opposition to the proposed settlement in the Microsoft antitrust trial. I feel that any settlement in this case needs to do more to curtail Microsoft from continuing its illegal practices. If justice is to be served, a new settlement needs to be drafted which is less favorable toward Microsoft. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. The current settlement must be thrown out and a new one must be drafted if the court is truly to have served its purpose in this case.

Sincerely,

Joseph Naccarato

MTC–00019412

From: Jim Cubbage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:09pm
Subject: Microsoft Settlement

Dear People,

Please do not settle with Microsoft. They need to be punished and any settlement they can agree to is insufficient punishment. The history of their actions in regards to other settlements shows they are not trustworthy and will not abide by settlements. This company has hurt all consumers by profiteering, quashing competition and creating mediocre software for which there are no alternatives. Please help invigorate the market by curbing Microsofts predatory business practices through imposing a true solution rather than reaching a settlement.

Sincerely yours,

Jim Cubbage
218 1/2 W 4th Ave
Olympia, WA 98501

MTC–00019413

From: Tony Brancato
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I do not believe the Proposed Final Judgement has adequate safeguards to prevent Microsoft from continuing its illegal monopolistic practices. I urge the Court to reject the Proposed Final Judgement.

Sincerely,

Anthony T. Brancato, Jr.
265 Loden La.
Rochester, NY

MTC–00019414

From: John Callaway
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

I am writing to express my strong displeasure with the Department of Justice's proposed settlement with Microsoft in the antitrust case. Enumerating all the flaws with this settlement would take too much of my and your time, so I will restrict my comments to the aspects of the proposed settlement relating to Microsoft's licensing contracts with personal computer original equipment manufacturers (OEMs).

As I understand it, the settlement does little to prevent Microsoft from continuing its anticompetitive practices that prevent OEMs from offering rival operating systems, such as Linux and BSD, preinstalled on their systems. For example, section III.A.2 specifically allows Microsoft to retaliate against OEMs that sell a computer with a rival operating system but without a Microsoft operating system. This is essentially a legally sanctioned tax collected by Microsoft, especially considering that the open-source operating systems I mentioned are free. The settlement also appears to specifically allow Microsoft to set any contract terms they like with smaller OEM vendors (any other than the 20 largest), which is clearly anticompetitive.

I will recount a personal experience of mine that illustrates the costs imposed on the consumer by Microsoft's restrictive OEM licenses, even those consumers who choose a Microsoft operating system. About a year ago, I helped my parents choose a computer at a Gateway 2000 store in Overland Park, Kansas. We selected the system that met our price and performance criteria, which was part of Gateway's ''home'' line of systems. We then asked to have Windows 2000 preinstalled on the machine instead of Windows ME, because of the superior stability and performance of the former operating system. Our sales representative informed us that this would be impossible, since Microsoft's license with Gateway stipulated that their home line of computers MUST be shipped with Windows ME (at that time, in December 2000). We therefore had to settle for one of their ''small business'' computers, which was not as feature-rich as the home computer we selected and cost several hundred dollars more.

Thank you very much for reading my comments, and I hope that this harmful settlement is discarded and appropriate remedies imposed on Microsoft instead.

John Callaway
john.callaway@visicomp.com
136 Pine St. Santa Cruz, CA 95062

MTC–00019415

From: Timothy A. Seufert
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

Dear Sirs and Madams, I write as a citizen concerned with the Proposed Final Judgement in United States v. Microsoft.

There are numerous problems with the proposed settlement plan. For example, it appears that looseness in definitions will allow Microsoft to change the names of products mentioned in the settlement plan to avoid obeying the proposed behavioral restrictions. The plan must be very cautiously reworded to prevent Microsoft from exploiting loopholes.

More importantly, I feel there are basic deficiencies in the plan's coverage of the numerous ways in which Microsoft enforces its monopolies. One which seems obvious to me is the lack of a remedy for Microsoft's use of closed file formats.

Microsoft uses closed file formats to help sustain their monopoly on office productivity software. Microsoft's office productivity suite owns most of the market; most organizations have standardized on it and own no other software covering its functionality. As a user of alternate operating systems (MacOS X and Linux) I often find that such organizations cannot generate or accept anything but Word documents, even when I try to use a more open and crossplatform format like Adobe's PDF. For example, I am presently looking for a job, and so far as I can tell all the HR departments and job placement firms who deal with my profession (electrical engineering) more or less require electronic resume submissions to be in Word format. This is in Silicon Valley, the heart of anti-Microsoft sentiment! Microsoft's lock on this kind of software is that strong.

The result of such social pressure is that I must either expend continual effort educating people about how to use formats other than Word (not a good idea to annoy people this way when I'm in the position of looking for a job, I might add!), or I must buy a copy of Word so that I can read and write the de facto standard file format. In practice, few people are willing to take on the persnal cost of the first option.

From another point of view, an organization which wishes to convert from Microsoft's office package to somebody else's faces a huge migration issue. Organizations become locked in to using Microsoft's software because there is no easy way for them to convert their document archives.

If Microsoft's file formats were open, it would be easier for alternative productivity software to gain entry to the market. It is routine for those who do try to compete with Microsoft in this area to reverse engineer Microsoft's formats, but Microsoft is always playing a game of changing the formats with each new Office release so that everybody with the latest version of Word/Excel/etc. is generating documents incompatible with other software. Furthermore, the quality of support is never as good as it could be were Microsoft's file formats open.

To summarize, competitive office products must read and write Microsoft's file formats with a high degree of compatability. Through obscurity and constant change of these formats, Microsoft has created an artificial barrier to entry. In order to break down that barrier, Microsoft should be required to fully document its file formats in a timely fashion. Ideally they would have to keep the public informed of future changes, rather than just documenting what happened after the fact.

Similar concerns probably apply to areas other than office productivity software, but I wanted to comment on something that has impacted me personally.

In closing, I'd like to think you for your consideration in reading my comments.

Tim Seufert

MTC–00019416

From: James Drabb
To: Microsoft ATR
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I feel that the proposed settlement in the Microsoft Anti-trust case is wrong. Microsoft is getting off way to easily, please bring justice to the money hungry giant. —

James Drabb JR
Darden Restaurants
Business Systems
Programmer Analyst
JDrabb@Darden.com
AstroDrabb@yahoo.com

MTC–00019417

From: Kate Conner
To: Microsoft ATR
Date: 1/23/02 8:17pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement between the U.S. and Microsoft does not go far enough to ensure that the un-competitive practices that the company has been found guilty of doing will not continue. As a company, they have proven that court orders are irrelevant to the way that they conduct business and it is extremely doubtful that any new court order or external oversight will dampen the negative impact that Microsoft's illegal monopoly has had on the computing industry. Unless serious and drastic changes are made to the structure and operations of the company, they will continue to stifle innovation and fair competition throughout the IT world and any other industry they leverage their way into.

Thank you,
Kate Conner

MTC–00019418

From: Jeff Malins
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

Dear Department of Justice,

The current judgment, as written, does nothing to prevent Microsoft from introducing intentional incompatibilities into new versions of its operating system as an anticompetitive measure. Microsoft has used such strategies in the past, (ref: the private suite brought up by Caldera, Inc. that was settled by by Microsoft in 1999). This is a key concern for end users on non-Microsoft platforms, and I believe the judgment should be revised to address this issue.

Thank You,
Jeffrey S. Malins
Honolulu, HI

MTC–00019419

From: Al Kolwicz
To: Microsoft ATR
Date: 1/23/02 8:15pm
Subject: Microsoft Settlement

Dear Sirs:

I have read that AOL has filed suit against Microsoft for its methods of marketing of the browser. This foolishness should be stopped.

1. Netscape captured market share using give-away techniques.

2. It should always be a company's option to giveaway product in order to achieve other strategic objectives—consider razors & blades, and printers & cartridges.

3. It should always be a company's option to make deals with its customers and its distributors. I believe that a quantity discount can be legitimately combined with a preferential status. I'll give you top billing if you'll give me X discount. I'll place your name on the cover if you'll commit to a fixed number of units at a fixed price per unit. Etc.

4. I chose the Internet Explorer from Microsoft because it is superior, and presented a path that was more compatible with where I want to go.

5. I have both Netscape Communicator 4.74 and Internet Explorer 6.0 on my workstation.

6. I use IE almost exclusively because it works best for me in my environment, and I have faith that Microsoft best understands what is required to fill the needs of the future—and I am confident that they will perform.

Those who do not wish to compete should stay out of the commercial world. Microsoft should be encouraged, not discouraged from making the innovations needed to exploit opportunities for increased productivity. It is wrong of the States to gang up on Microsoft. It is wrong of AOL to attempt to use our government and justice systems to cause harm to Microsoft.

In my opinion, Microsoft is a model competitor. They have created an enormous ''cottage industry'' for hundreds of thousands of non-Microsoft employees. And they have created a platform that is sufficiently open, and has enough users to entice product developers to produce high quality low cost applications.

I ask that DOJ disregard AOL's whining and that DOJ reexamine the merits of the case. In my opinion, we need more producers in our economy like Microsoft.

Al Kolwicz
Center for Interactive Multimedia Business Applications
2867 Tincup Circle
Boulder, CO 80305
303–494–1540
AlKolwicz@qwest.net

MTC–00019420

From: Aaron Voisine
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

I believe the proposed microsoft settlement to be horrible. Aren't we supposed to be punishing this convicted monopoly abuser? Break them up, stop giving them government contracts, make them adhere to open standards for network protocols, APIs, and file formats. Do something!

Aaron Voisine
CEO
GetToClass.com, Inc.

MTC–00019421

From: Michael Kellen
To: Microsoft ATR
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I must register my opposition to the proposed settlement in United States v. Microsoft in its current form. The proposed judgement fails to address the required issues of 'deny[ing] the defendant the fruits of its statutory violation', nor does is 'ensure that there remain no practices likely to result in monopolization in the future'. (section V.D., p. 99).

Adoption of the proposed settlement will be a betrayal of the public trust and a waste of the public monies invested in correcting the excesses of a convited monopoly. Without a strong punitive as well as corrective settlement, acceptance of this proposal will further erode the public trust in our legal system.

Michael Kellen, Ph. D.

MTC–00019422

From: Chris Cothrun
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

Comments about US v. Microsoft proposed settlement

Dear Sirs,

I feel the proposed settlement does very little to remedy the situatations where Microsoft abused it's monopoly status as a software vendor.

It is a very noble act to propose donating hardware and software to the nation's schools, however, this only serves to promote Microsoft's software and increase it's ubiquity and familiarity to our nation's children and teachers.

Section J also raises concern regarding security best practices and methods Microsoft may use to avoid complying with whatever settlement is reached.

I exhort Microsoft and the US Government to return to the bargaining table and arrive at another settlement.

Sincerely,
Chris Cothrun

MTC–00019423

From: bhaller@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

I will try to be brief, as I imagine you have many e-mails like this to read.

I would like to urge you to reject the proposed settlement in the Microsoft anti-trust case. It amounts to a slap on the wrist, and will not result in real changes for consumers.

To me the litmus test of a reasonable settlement is this. Right now, in the current anti-competitive climate, a company like Apple is unable to even stop its slow but steady loss of market share, despite offerings of both hardware and software that are markedly superior to those offered by the Wintel world (dominated by Microsoft). It is difficult to imagine what Apple could do to make inroads in the market, given the stranglehold Microsoft has. A reasonable settlement would restore the possibility of effective competition by other companies such as Apple, Sun, and AOL Time Warner (Netscape). No more, but no less.

The proposed settlement simply does not do that. Microsoft's anti-competitive practices will continue virtually unabated (as they have in all the time since this suit began), everybody else's market share will continue to decrease, and the situation will be even more difficult to remedy further down the road than it is now.

In my opinion, the original judgment (that Microsoft ought to be split into two companies) was reasonable and just. There may be other measures that will achieve the desired end of restoring competition to the market, but I doubt that they would be any less extreme.

Thank you for your time.

—Ben Haller (bhaller@mac.com)

MTC–00019424

From: john baranowsky
To: Microsoft ATR
Date: 1/23/02 8:21pm
Subject: Microsoft Settlement

The setlement is a bad idea.

MTC–00019425

From: Michael Brauwerman
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Michael Brauwerman —
Software Engineer
Office: HQ 432
240–497–3000x2448

MTC–00019426

From: Jessica Slason
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

Let it be known that I, Jessica Slason of Connecticut, do not agree with the proposed Microsoft settlement. Let this email serve as an official complaint.

Thank you.

MTC–00019427

From: Donald
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am strongly opposed to the governments action against Microsoft. This is a waste of taxpayers money and is having a costly effect on the economy. Let the market decide these issues; not the govenment. The only victims are those the government has created. The microsoft efforts were a win-win for everyone.

Don Gordhamer
Lakeville Minnesota

MTC–00019428

From: Vaughn Bender
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I don't agree What will that say to other companies....as to how they might act in a so called capitalist society. We have laws to pertect the good from the bad. Don't loose perspective as to is the good person and who is the bad. It is obvious who has broken the law. Please treat law breakers accordingly.

Vaughn Bender
—
Summit Technology Group
Vaughn Bender
http://www.techplus.com/vbender
-—

MTC–00019429

From: Drew Colthorp
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I do not think any settlement that does not guarantee good behavior on Microsoft's part in the future is reckless and irresponsible. The ''Settle for the Children'' campaign was a joke, and any decision that does not alter the structure of microsoft in some drastic way will be ineffective. Please do not let Microsoft get away with their anticompetitive practices, doing so would be a disaster.

From my standpoint, Microsoft should be broken up. Any other practice would Microsoft-code specific optimizations, and integrations that do not make sense. Nearly every virus and worm on the internet targets outlook or outlook express, due to the widespread use (because of monopolistic practices) of these products, and the inherent vulnerabilities they contain. Honestly, why would you want your email client to affect every aspect of your system through scripting, and why would you want a seemingly innocent email to destroy valuable data? Problems like this will occur in the future if something is not done. The public has been forced into using inferior products for a long time, and anyone who says otherwise is a fool. Windows is unstable and insecure, and the general populous only upgrades to new versions in the hope that this new version of windows will be everything the last version was supposed to be. Why should anyone be forced to accept their operating system crashing on a daily basis, partially due to a nonsensible integration of an insecure web browser? There is no reason. Something drastic must be done.

Drew Colthorp

MTC–00019430

From: qgw
To: Microsoft ATR
Date: 1/23/02 8:22pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would just like to say that the proposed Microsoft Settlement is a really bad idea. I have read the entire thing and have come to the conclusion that not only does this proposed settlement do NOTHING to curb the Microsoft abuses, but it may even give them more power. One example: the proposed settlement says it will allow a vendor to ship a competing product in place of a Microsoft product. So, for example, a vendor would be allowed to ship Netscape instead of Internet Explorer. However, the proposed settlement goes on to say that Microsoft, and Microsoft alone, gets to dictate the requirements for the replacement component. This means two things: 1) Microsoft can stall a competitor indefinitely as it changes feature requirements or adds new ones and 2) Microsoft indirectly changes the competitors product. So if Microsoft says there must be a large ad at the top of every browser window that displays a Microsoft ad for their Internet Explorer, then it must be there. Or even worse, if Microsoft says that Active X (or something similar) has to be included, and it happens to be one of the things that is insecure, then that leaves every competitor's product insecure. Then there is the matter of Microsoft denying features in final products. They are already excluding Java because Sun would not let them sabotage it. Now, with this ''Settlement'', they could force Java out even among competitors. Microsoft was found GUILTY. They commited a crime. They were bad. They lied and are still lying. What do you do with children that behave this way? You send them to their room without dessert. You ground them for a month. You spank them. You make them perform chores. What does this settlement propose we do with Microsoft? It suggests we thank them, give them more money, and say, ''Sure Bill Gates. Its fine for you to break the law, ruin the competition, ruin the economy, ruin people's lives, lie, cheat, and steal. We don't punish the rich, especially those that line our pocket books.'' This is wrong. Punish them.

Ben Renner
6033 E. 33rd St.
Tucson, AZ 85711

MTC–00019431

From: Brian Chiko
To: Microsoft ATR
Date: 1/23/02 8:23pm
Subject: Microsoft Settlement

Dear Sirs:

The currently proposed DOJ settlement with Microsoft is an extremely bad idea—it

makes no substantial progress in either punishing Microsoft for its obvious abuse of a Monopoly position, and it does even less to prevent it from continuing in the future. The future of innovation and competition in a large portion of the technology industry rests in the DOJ hands and it will be a serious harm to all Americans if Microsoft is left free to flout the country's anti-trust laws, and to continue to stifle competition. Please hold out for a settlement that is substantial in form and not just a quick politically-driven settlement that doesn't address the real issues.

Sincerely,
VP Product Management and Marketing
Vpacket Communications, Inc.
www.vpacket.com
Office: 408–571–7910
Cell: 408–859–2647

MTC–00019432

From: Darian
To: Microsoft ATR
Date: 1/23/02 8:23pm
Subject: Microsoft Settlement

Personally, I feel like the settlement with Microsoft is letting them off too easy. You're simply sending them to their room, instead of giving them a spanking. All their toys happen to be in their room as well. Please rectify this. Thanks.

Kevin Turner

MTC–00019433

From: mtdirect.cyberport.net
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

To Whom it May Concern,

I wish to state my support for Microsoft in the Antitrust Settlement Case. The proposed remedies are fair and corrective. Microsoft has always acted in the best interest of the consumer (of which I am one). Microsoft's efforts at technical advancement and inovation are appreciated by myself and my family.

I also wish tp state my non-support for AOL-Time Warner (Netscape). I have moved away from Netscape based on my technical assessment of its capabilities and understanding of AOL/TimeWarners moved to lessen its support for open standards in an attempt to control their user's interface to the internet.

John Yatchak
4639 Blankenship Road
Columbia Falls, MT 59912

MTC–00019434

From: S. Clunis
To: Microsoft ATR
Date: 1/23/02 8:24pm
Subject: Who says crime does not pay?

Hi All,

this ''agreement'' or whatever the legal term is makes a mockery of the legal system. Proof again that ''might makes right''. Microsoft has been doing this for years and getting away with it, leaving a long list of victims in their wake: Stacker QEMM IBM's OS/2 BeOS Office Suites—Wordperfect, Lotus Netscape To name a few. In any other industry these tactics would not have been consider dumping or worse. Your office has succeeded in sending a clear signal to the next would be rouge to keep on trucking they will win AND be richer in the end.

Cheers,
Stavros.

MTC–00019435

From: Pete Seabolt
To: Microsoft ATR
Date: 1/23/02 8:24pm
Subject: Microsoft Settlement

They deserved what they got the first time. I know Bush is big business but years down the road the Department of Justic doesn't want to be remembered as the one who had an opportunity to check Microsoft but didn't. Technology is too important to put all the eggs in one basket. While you guy are at it, you have better get some laws passed that will hold software developers liable for holds the leave in software. Microsoft is the most unsecured operating system in the world. It's the most susceptible to viruses. When you find China has had access to our computers for the years it will not play well with the news media.

MTC–00019436

From: Cassadycarol@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement
January 23, 2002
To: The Dept. of Justice
From: Mrs. Carol ThorneCassady, 4057 SW Concord St., Seattle, WA 98136 (206/938–0246)

I am a second generation American. My paternal grandparents, who came from Europe, maintained a truck farm and passed away by the time I was six years old. My maternal grandfather, who left a yam farm in Louisiana with his family who had emigrated from Europe as possibly indentured workers, learned the trade of a shoemaker. I grew up in an extended close knit family. We lived in a home behind my grandparents. I saw, lived, and reaped the rich blessings/benefits from GOD-Believing/GOD-Fearing, hard-working, family devoted and AMERICA loving people—my Parents and my Grandparents. My Grandfather owned his own business and for a year of so my father ran a small car repair business, a second job he did in the evenings and weekends. Now and then, my Grandfather would say that ''America is God's country. You can keep the fruit of your labor.'' I haven't really thought about what he'd said, till recently.

It's been just recently that I've been able to spend time reflecting on what's contributed to the greatness of AMERICA and my passionate love for my country. I know the origin is, my Family.

Upon the death of my dear husband in June 1990, I received some money in a settlement from his employer. I had to start learning/reading about investments. By 1994–95, I liked what I'd studied and read about Microsoft. So I bought some shares of stock. What was really impressive was the fact that Bill Gates ''shared'' his wealth with all his employees by vesting them with his stock. I'd never heard nor read about another business that operated like Microsoft. Mr. Gates shared his wealth—he didn't hoard it. More importantly for today, he's donated millions for education, children and global health concerns.

How dare these evil trial attorneys attempt to rob and destroy Microsoft! These attorneys have all ready robbed and terrified how many other American companies?

I'm not talking about the huge multi-national companies that have engaged in unfriendly takeovers—these are the corporations that should never have been allowed to become the giant monopolies they are, like AOL Time Warner. How many browser companies have they gobbled up and they're attacking Microsoft which has only about 12% of this market. This is in America's interest?

Microsoft has provided the United States of AMERICA and the world with constant, consistent, innovative computer technology. Email anyone??? They opened up the field—the prices dropped. They're still dropping. This is a monopoly?

Thank God for Microsoft! It's been an amazing decade, the nineties. Imagine, ten years ago I used a small electric typewriter, a big improvement from my college days in the 1960's-70's and my basic typewriter. Today, I use a laptop computer and I send most of my mail through it. It's incredible! Thank you, Microsoft!

All litigating attorneys in AMERICA must be stopped. They're corrupting and bleeding AMERICA. They must be stopped!!!

No one has the right in AMERICA to steal the fruit of someone's labor. If you don't earn it, you don't get it. GOD has clearly stated ''Thou shalt not steal.''

I hope and pray our Justice Department will end this diabolical charade being perpetrated on AMERICA, AMERICANS and all AMERICAN businesses.

Please settle this larcenous suit against Microsoft now. As for the corrupters of the Common Good, the trial attorneys, prison is too good for them.

God Bless our Justice Dept. and God Bless America!

Mrs. Carol ThorneCassady
CC:Cassadycarol@aol.com@inetgw

MTC–00019437

From: John Osborn
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement
18730 56th Avenue NE
Kenmore, WA 98028
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the antitrust case settlement between the US Department of Justice and Microsoft. I think that he lawsuit has been lengthy and partially unjustified. I am a MAC user, but Microsoft has done wonderful things for our nation's IT sector and economy. Yes, their marketing tactics at times are a bit heavy handed, but three years of litigation is entirely too much to resolve this problem. Under the terms of the settlement, I do not think it is fair that Microsoft is being forced to document and disclose for use by its competitors interfaces

and protocols that are internal to their Windows operating system products. This is technological information that Microsoft has spent lots of time and money to develop and it is a violation of their intellectual property rights to force them to give away their secrets. It also undermines any motivation to be innovative in a free market. I do agree with the concession that allows competitors to promote their own products. For instance, granting computer makers broad new rights to configure Windows so that software developers can more easily promote their own products will serve to give competition the chance to succeed.

Although the settlement is not perfect, it needs to become reality because our nation cannot afford further litigation. The IT sector and the economy need Microsoft at full strength. I urge your office to take a firm stance against the opposition to the settlement and make it a reality. Thank you for your time.

Sincerely,
John Osborn

MTC–00019438

From: Robert Dodier
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement

Hello, The proposed Microsoft settlement does nothing to resolve an extremely important problem: MS is not required to disclose the file formats for any of its applications. Lack of information about these file formats (e.g., the MS Word format) leaves developers of MS-compatible applications always playing ''catch up'' with MS; MS can, at will, break compatible software by changing the file formats. This puts developers of compatible software at a very great disadvantage compared to MS. The settlement should address this issue by requiring MS to disclose the file format used by each application, and to keep these disclosed formats up-to-date, by disclosing the file format used by any new product or new version of an existing product.

Regards,
Robert Dodier
Boulder, CO
Programmer

MTC–00019439

From: Dale Thorn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

I can't believe you're softballing Microsoft the way you are. The way they default Windows 2000 etc. to REFUSE to allow people to install software if it's not ''OK'd by Microsoft'' is shameful. Oh, sure, you can ''get around it'' if you want to pay someone 5 times what it's worth to configure the stuff, but why bother? And that's just one example out of hundreds. If the U.S. Government doesn't get some ''real users'' of computers to see what Microsoft is doing first hand, and make their judgements from that perspective, then God help us all, because we're getting in deeper by the day.

MTC–00019440

From: Gabriel Sechan
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement

I am a proffesional programmer, and as such have serious concerns about the proposed settlement and its effect upon my life and the future of the industry. To put it bluntly, letting Microsoft off with such a minor slap on the wrist is beyond bad and into the realm of gross negligence. Microsoft is a proven monopoly. The findings of fact show that they used their monopoly illegally to extend it to other areas. They have a history of doing this- they proudly call it ''embrace and extend''. Their illegal business tactics have destroyed the OS market, the browser market, the office software market, decimated the compiler market, and threaten many others.

The only real solution is to force competition in the OS marketplace. Either force Microsoft to open source Windows and all APIs, or split Microsoft into pieces with contending OSes. If any other option is selected, we will only see these practices extended until Microsoft has crushed all the software markets.

Sincerely,
Gabriel Sechan
14924 Avenida Venusto
San Diego, California, 92128

MTC–00019441

From: Harold J. Lang
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement

I do not agree about the settlement. MicroSoft is a destroyer of those who wish to provide a unique solution to programming that does not rely on a MS only provided API. They (MS) stifle those who have the veracity to show insight and vision for new and better applications.

H. J. Lang

MTC–00019442

From: Hershberger, Doug (CD)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

I wish to register my objection to the proposed settlement in the Microsoft anti-trust lawsuit.

First, I believe that the settlement is too lenient. It does not adequately adress the issue of leveling the playing field for other companies who do not have the benefit of Microsoft's monopoly. It is a slap on the wrist and a rather tepid one at that.

Second, I would like to specificaly take issue with one point raised by the proposed settlement. Quoting Robert Cringely's article on the subject: http://www.pbs.org/cringely/pulpit/pulpit20011206.html Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''* * * (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, * * *''

This is strictly unacceptable. access to APIs, documentation and communication protocols are essential for open source programmers, many of whom would not qualify as a business. There is no legitimate reason for this information to remain hidden. It only extends Microsoft's already stifling monopolizing stranglehold on the industry.

Thank you for your time.
Doug Hershberger
Bioinformatics Specialist
The Dow Chemical Company
(858) 352–4515
cdhershberger@dow.com

MTC–00019443

From: Chris Beggy
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Hello. I'm writing to oppose the proposed settlement between Microsoft and the U.S. Justice Department. My thoughts are best summed up by Dan Gillmor, business columnist for the San Jose Mercury News:

''The settlement not only doesn't doesn't even force the company to stop doing what eight federal judges found illegal, but it provides no penalty for the illegal acts. Locking in the ill-gained profits of crime—bank robbers wish they could get such dispensation.''

Regards.
Chris Beggy

MTC–00019444

From: Robert C. Miller
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement
Robert C. Miller
1027 Celia Lane
Lexington, Ky 40504–2203
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Robert C. Miller

MTC–00019445

From: Richard T. Stephenson
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

To whom it may concern,

Please settle this affair with Microsoft ASAP. I believe that it is in the best interest of all involved, both our economy, the tech sector, as well as the individual citizen. I lend my support for this settlement, and I am hopeful that it may be resolved expediously.

Sincerely,

Richard Stephenson 806 Riverchase Blvd. Madison, TN 37115

MTC–00019446

From: dylan
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

i do not support the currently proposed settlement with microsoft. I think that microsoft has radically abused their monopoly position for far too long. I think they should be broken into 2 companies, one for software, one for operating systems. I also think they should have to pay a massive fine which would be used for supplying the nation's poorest schools with the hardware/software of the schools'' choosing.

Thank you for listening. fuck microsoft. please get them where it hurts. bad microsoft, bad!

William Hassinger
1013 Shadowoak Dr.
Ballwin, MO 63021
(314)401–0166
dylanhassinger@yahoo.com

MTC–00019447

From: Richard M Braun
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft

The settlement between the DOJ and Microsoft is a joke and Microsoft is the one lafing. I thought the law was clear on these matters? But the DOJ is not even following past precedence. And paying their debt to society with Microsoft products will do nothing more than expand their monopoly!!! What a joke.

MTC–00019448

From: eric
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement

this lets them off the hook for destroying IBM's OS/2 WARP (another pc os). this is NOT right!!!! eric weil
CC:ericwl@shore.net@inetgw

MTC–00019449

From: Audrey Trevino
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Oppose Microsoft Settlement

I am against the proposed settlement with Microsoft corp. The judgment does not address the serious anti-competitive practices that Microsoft continues to employ.

I believe Microsoft should be forced to allow other html rendering engines (browsers) to be integrated with all Windows operating environments. Microsoft can continue to assure the (albeit questionable) quality of their customer's experience by making available the Application Programming Interface (API) used to integrate Internet Explorer into Windows. In addition, I believe Microsoft's exclusive licensing practices with OEM computer manufacturers limits customer choice and has been the main limiting factor in the lack of further competition in the Operating System market.

In conclusion, I believe that unless substantial revisions are made to the final judgment, Microsoft will continue to exercise its monopoly power to the detriment of the computer industry and consumers.

Thank you.

Steven C. Trevino
BaccArts
9710 Moraga
San Antonio, TX 78217

MTC–00019450

From: phil hunt
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement

Dear Sir,

I would like to record my opinion of the proposed final settlement in the DOJ v. Microsoft case. I disagree with the proposed final settlement, feeling it is too lenient on Microsoft. In particular, I feel that section E which says that Microsoft must disclose information to ISVs, IHVs, IAPs, ICPs, and OEMs, ''for the sole purpose of interoperating with a Windows Operating System Product'', should be changed so that Microsoft must also be required to disclose informatino to them so they can create competing products. Competition is good.

*** Philip Hunt ***
philh@comuno.freeserve.co.uk ***

MTC–00019451

From: Ep Dagger
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement
Paul Estep
116 Hillcrest Dr
Newburgh, IN 47630
23 January 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW Washington, DC 20001
RE: US v. Microsoft proposed final order
Dear Judge Kollar-Kotelly,

I wish to make some comments on the proposed final judgment for USA versus Microsoft. I feel it does not provide enough open disclosure of Microsoft Windows and middleware APIs and File Formats, and also fails to provide any real penalty to Microsoft. I believe that requiring full public disclosure without any licensing terms of Microsoft Windows and middleware API and file formats would satisfy both of these concerns.

Disclosure of APIs and File Formats should be with the intent to allow all software developers, private, public, and hobbyist, to interface to and create alternative code for the APIs. This should not just include the syntax specifications of the APIs and File Formats but should include semantic information about them. In order to ensure proper disclosure this document should be released with all internal and external beta software releases. Internal beta releases should allow comments from an internal Microsoft panel and external beta releases should allow for public comment. Both comment periods should be within the time frame for submiting bug reports for the beta software.

I believe as punishment Microsoft should give up all intellectual property claims to these APIs and File formats. This would punish Microsoft by disallowing any revenues from licensing its intellectual property claims to these APIs and File Formats. Further I believe this form punishment is market neutral not taking or giving away market share to or from others.

Paul Estep

MTC–00019452

From: Warren Jones
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft as it stands is totally wrong. The company has been found guilty, even on appeal, of very serious crimes that have seriously affected the industry for many years. It's been found guilty in similar trials for similar behavior. It's punishment must now fit the crime or its past record shows it will continue it's practice of abusing market power to maintain its monopoly of the computer industry. Now it appears to be trying to dominate other industries. It's time to truly show Microsoft that it has acted outside the law and severely punish the company. Don't let them ''buy their way out of jail''.

I have no connection with Microsoft or its competitors.

regards
warren jones

MTC–00019453

From: Joseph Krug
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement
Joseph Krug
6 Sealey Avenue Apt 5G
Hempstead, NY 11550–1230
January 23, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Joseph D Krug

MTC–00019454

From: DAENCP@aol.com@inetgw
To: Microsoft ATR,DAENCP@aol.com@inetgw
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement—BAD news!

The microsoft settlement proposed is a lousy idea..and poorly conceived. Please reconsider.

d.erickson

concerned citizen

MTC–00019455

From: Peter Robinson
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am OPPOSED to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

MTC–00019456

From: Ann Brockinton
To: Microsoft Settlement
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement
Ann Brockinton
2532 BURCHARDT CT
Gulf Breeze, FL 32561
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Ann B. Brockinton

MTC–00019457

From: Patricia Mundahl
To: Microsoft Settlement
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement
Patricia Mundahl
6485 Fogelman Road
Maple Plain, MN 55359
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Patricia Mundahl

MTC–00019458

From: Miltyandjudy@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Re: Microsoft Settlement
Milton Haner
1208 48th Street SE
Everett, WA 98203–2900
January 19, 2002
Attorney General Ashcroft
US Department of Justice, 950 Pennsylvania Ave.
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We are writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The suit dragged out long enough and it is time to allow Microsoft and the industry to move forward.

The settlement was arrived at after extensive negotiations with a court-appointed mediator. The terms are fair: Microsoft actually agreed to terms that extend will beyond the products and procedures that were at issue in the suit, even going so far as to divulge some of its software code to other companies that will use it against Microsoft. It is time that the government accepts the settlement and allows Microsoft to return to concentrating on business.

Microsoft has dealt with the government threatening to break up the company for over three years now. It is unfortunate that companies have to deal with such government over regulation. It is time for business to return to normal. Please accept the Microsoft antitrust settlement.

I would like to add that my wife and I were so pleased with your appointment as Attorney General and let you know, we hold you in our prayers as you face all the decisions which are placed before you that God will give you continued direction and wisdom.

We do not know of Bill Gates religious standing, but we do believe that God has blessed him, because of his generosity around the world and here in America, to help various organizations and the education system and encourage you to take this into consideration when you make your decision.

Sincerely,

Milton Haner

Judith Haner

MTC–00019459

From: Solid Force
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00019460

From: Pat O'Brien
To: Microsoft ATR
Date: 1/23/02 8:32pm
Subject: Microsoft Settlement

Please rethink this settlement. Gate's defense is that Microsoft has allowed every aspect of the computer industry to substantially improve at reduced prices for everything from software to hardware. Yet Gate's fails to mention that while everything else improves at reduced prices, Microsoft gets bigger, slower, less secure and more expensive with every upgrade. (And an upgrade isn't even a new product!) That tells me that while every other area of the industry is in healthy competition, Microsoft can increase their prices and behave tyrannical unaffected without real competition. This settlement is a good ''deal'' for Microsoft, and a bad one for the consumer...

MTC–00019461

From: Scott Auerbach
To: Microsoft ATR
Date: 1/23/02 8:32pm

Subject: Microsoft Settlement hardly just at Justice

I can't even begin to describe how unsatisfactory the proposed settlement is. By now, you've heard all the complaints; I won't repeat them. Just adding my name to the list of disenfranchised Apple/Netscape/etc. users.

Scott Auerbach
Atlanta, GA

MTC–00019462

From: Naylor
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. It is an injustice to ignore the past practices of Microsoft and to allow Microsoft to continue it's illegal business practices. A little less than one hundred years ago, our country faced a similar situation with monopolies. Please do what is right for the people of the United States.

Sincerely,
Robert K. Naylor <rnaylor@nhvt.net>
141 Bascom Rd
Newport NH 03773

MTC–00019463

From: Jeff Sickel
To: Microsoft ATR
Date: 1/23/02 8:35pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I just wanted it on record that as a business owner of a small software consulting firm in the state of Illinois, I disagree with the current Proposed Final Judgment of THE UNITED STATES OF AMERICA v. MICROSOFT CORPORATION and believe that the judgment is too weak to truly be enforced or effective.

Sadly the Attorney General of Illinois has also shown too eager an attempt to settle in a case where clearly the plaintiff would have been able to enforce a more ridged judgment against a corporation that has proven time and again that it will ignore or blatantly rebuff legal actions against it while still using it's monopoly to eliminate any true competition. This is a bad precedent to set for large and small businesses in this country. Especially in a time of economic crises. Please pursue corrections to the final judgment that will make this case just instead of just blessing Microsoft's monopolistic practices.

Regards,
Jeff Sickel
Corpus Callosum Corporation
586 Sheridan Sq. #3
Evanston, IL 60202–4757
Tel. 847.328.7363
Fax. 847.328.7364

MTC–00019464

From: Steven Snover
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

I have been reading over the proposed settlement documentation concerning he Microsoft anti-trust case. There are still FAR TOO MANY LOOPHOLES for Microsoft to continue business as usual. THIS SETTLEMENT MUST BE REWORKED or Microsoft will simply be able to continue in it's activities. There licensing agreements for one, scream monopoly. You can't seriously let them continue to tell end users what other software types are not allowed to be used in conjunction with Microsoft software. There are licenses written by Microsoft that prohibit use and distribution of their software with any other type of software based solely on license alone. There is NO GOOD REASON for denying an entire license to an end user.

MTC–00019465

From: Albert Ren
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Antitrust

Please do not allow the antitrust settlement to pass, this settlement does not help the consumers, Microsoft's competitors, or anyone else other than Microsoft. Consumers get continued lack of choice because Microsoft gets off the hook easily, and is then allowed to continue the same practices that it has been doing for a long time now. Competitors do not get any assistance because this is only a slap on the wrist for Microsoft so they will continue to be hurt by anticompetitive practices. In addition, the settlement allows Microsoft to provide software to education in terms of its ''value'' not its actual cost to Microsoft. So Microsoft gets to count a $499 Windows XP Professional full disk as its retail value and not the pennies it costs to actually make; this is not hard for Microsoft to do.

The settlement does not address the original problem: Will Microsoft stop commingling of software? Originally, with Internet Explorer, Microsoft managed to crush the competition by merging it with Windows 98 and subsequent versions, and then manipulating manufacturers to prevent the competitor from getting desktop access. In Windows XP Microsoft has gone farther, by integrating components from all sorts of uses, the most prominent being Windows Messenger, which Microsoft again claims, is not removable from the system. But when they said the same thing about IE, they produced a fabricated video of attempts to remove it. Can this company really be trusted?

About the education component of the settlement, where Microsoft will provide free software, this is nothing more than a blatant effort to try and monopolize the education industry, one where Apple currently dominates. As discussed before, Microsoft's retail value of software is much higher than its actual cost, so about a $1 billion of software probably only cost them $100,000. Microsoft has been looking to get in the education market for a while, and this is nothing more than government sanctioned monopolizing.

The settlement is too weak and too loose to prevent Microsoft from doing anything ever again. In fact, Microsoft has stepped up its efforts by commingling Windows Messenger to attack AOL's IM solutions and .NET to dominate the Internet itself. We cannot allow this to happen.

Albert

MTC–00019466

From: Dominic Eldridge
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to encourage the Department of Justice to take a tougher stance towards Microsoft's attempts to avoid any meaningful punishment. The settlement ordered by Judge Kollar-Kelly after the court ruled against Microsoft was an aberration within the United States Judicial System. Microsoft has been declared an illegal monopoly and to this day continues it's ruthless and predatory practices. Yet nine States of The Union have crumbled to Microsoft's demands on how the company feels it should be ''punished''. The few concessions Microsoft has made are riddled with loopholes, some of which may actually help the company increase the viciousness of it's licensing schemes. The three member panel designated to watch over Microsoft is in part composed of one person Microsoft has appointed. This panelist will co-decide who the third panelist will be. This is clearly no different than protecting sheep by placing wolves at the fence gate. And if Microsoft violates these meager restrictions? The penalty will be extended for another two years. That is to say, they will be allowed to continue to break the rules for another two years with no repercussions.

Please put an end to this sham of a solution. Call for Judge Kollar-Kelly to reinstate Judge Jackson's ruling that the company should be broken into two parts. If at all possible, single out those figureheads responsible for Microsoft's illegal behavior and ask the court to hold those individuals responsible for their actions. It's a shame that upper management of these companies are never punished directly. By permanently removing them from the company and replacing them with employees from below, the courts could avoid having to slap the company on the wrist many times over, as it has already done with Microsoft. Nothing changed then. Nothing will change now if harsh penalties are not enacted-and the world will have been shown once more that in America, laws are only limits for those with shallow pockets.

Dominic Eldridge

[This letter has also been mailed via traditional mail to Renata B. Hesse at the U.S. Department of Justice.]

MTC–00019467

From: kanjc
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: anti-trust

I just thougth I would say that these anti-trust suits against microsoft seem to be nothing more than inferior company's whining because they have produced products that are less user friendly, more expensive and generally less desireable than those made by Microsoft. I personally don't Microsoft products because I have to, I use them because I like them.

Kanjc
Joseph@kanjc.com
www.kanjc.com

MTC–00019468

From: J. Ross Burwell
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

To whom it may concern:

In my judgement, it is in the best interest of our country, the economy and all human beings that the Microsoft settlement come to a conclusion. It is absurd that a reasonable settlement reached between Microsoft and the DOJ continues to be interrupted by States and lawsuits that seek an advantage for constituents who are largely competitors of Microsoft. Now, AOL Time Warner has chosen to bring a lawsuit clearly designed to impede and slow down the settlement process. When will it end?

J. Ross Burwell, CPA
Burwell & Wolfe Inc PS
734 East First Street, Suite A
Port Angeles, WA 98362
360 452–1500
www.bw-cpa.com
rossb@bw-cpa.com

MTC–00019469

From: David Santin
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To Whom This May Concern—

My name is David Santin. I am a sophomore Computer Science major at Rutgers University, and have been compelled to participate in the public response to the Microsoft/Department of Justice antitrust settlement because I see it failing in its intended purpose. An antitrust settlement should be designed to censure a corporation for its anticompetitive actions while preventing those actions from occurring in the future. I believe that the settlement, as it stands, fulfills neither of those points satisfactorily.

As a future programmer and IT specialist, the stranglehold that Microsoft exerts on the computer industry as a whole is frightening. It is currently unfeasable for a corporation to market an operating system to directly compete with Microsoft's Windows line of operating systems. The closest competitors, Apple Computer and the open-source Linux operating systems, are still a miniscule fraction of the share Microsoft commands. The issue is that Microsoft has been allowed to crush competition repeatedly during its history, and has taken every advantage to do so. But if Microsoft made a superior product, then possibly an argument could be made for allowing this antitrust settlement to stand. But the simple fact is that Microsoft's operating system has many deep-seated flaws contained within, the most telling and dangerous of which is its utter lack of security.

Almost every week an advisory is released which documents a flaw or security weakness in a Microsoft-related product. Microsoft's operating system market share has increased in the past few years, but correspondingly, so have the amount of virii and security bulletins. Is this a coincidence? Not at all. Microsoft's complete and total disregard for safeguarding its users has been shown time and time again. The most frightening part about this is that Microsoft, if allowed to continually strangle the computer industry, will control more and more computers, but make them less secure in the process. Even the US government has been advised not to use Microsoft's operating system, because of its inherent security weaknesses. I believe that only a full disclosure of ALL software APIs will make Windows a more secure operating system. Microsoft has shown time and time again that, if left to their own devices, they do not care about security.

Sirs and madams, I hope you see how deleterious Microsoft has been to computer security and competition, and how this can only get worse in the future. I urge you to reject this settlement for one which forces Microsoft to both loosen its grip on the computer industry and make its flagship product, Windows, more secure. Anything less will expose this country to far worse security problems than we have seen to date. Thank you very much for your time.

Sincerely,
David Santin
dsantin@eden.rutgers.edu

MTC–00019470

From: Elliott Eggleston
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Tunney Act

I deplore the kid gloves with which the Tunney act treats Microsoft. In my view, the world is dominated by big business and by government. As our representatives, I expect members of the government to protect the consumer from the whims of the monopolists. Forced upgrade cycles, certification scams, reduced expectations for privacy and security and loss of control of personal property are just a few of the reasons we need to reign in Bill Gates and his cronies.

Sincerely,
—Elliott Eggleston
39 Jackson St.
Cambridge, MA 02140

MTC–00019471

From: Mike Lunn
To: Microsoft ATR
Date: 1/23/02 8:32pm
Subject: Microsoft Settlement

Count this one against the settlement ''411. Many of the tactics that Microsoft has employed have also harmed consumers indirectly by unjustifiably distorting competition.'' from finding of Facts.

Not only has Microsoft behaved this way in the past, they have not changed. Their current business practices continue to cause harm on a daily basis. Microsoft continues to expose the market to unreasonable risk (look at the holes in the most recent version XP). As a web developer utilizing linux as a server I see this first hand. My servers get hit every day by infected Microsoft servers attempting to infect them. Without real competition you must pity the casual user that sits at home with his/her computer fully vulnerable to attack with basically no other choice. Not only, that the lost caused by this (billions in the case of the Code Red Virus) is not the responsibility of MicroSoft.

So, if you let them be, hold them responsible for their actions and products. Let them have same level of responsibility for their product that Ford has.

Sincerely,
Michael J. Lunn
mlunn@mlunn.com

MTC–00019472

From: Eric Ellsworth
To: Microsoft ATR
Date: 1/23/02 8:36pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I am writing to inform you of my strong opposition to the current terms of the Proposed Final Judgement against Microsoft. It lacks the necessary clarity of language and completeness of remedy to prevent Microsoft from continuing to abuse its monopoly.

Of particular concern to me are the following:

—Language permitting Microsoft to retaliate against OEMs who include other operating systems, and do or do not choose to license Windows. This kind of retaliation would be meaningless unless Microsoft controlled the OS market, and is an abuse of MS'' monopoly. Such retaliation should be forbidden explicitly in the judgement.

—The settlement includes no remedy for Microsoft's practice of partially publishing APIs. As these APIs are undocumented, or worse classified as trade secrets, Microsoft leverages its position as the OS maker to modify APIs, frequently making it impossible for competitors to bring a competing product to market. In order to have any semblance of a competitive market, the APIs must be clearly documented. This requires direct oversight, rather than continued promises of good behavior. The settlement fails to require Microsoft to fully and comprehensibly disclose ALL its APIs to other software vendors, including those for .Net softwar, and thus is extremely limited.

As computers are becoming an increasingly important way the American citizenry gets information and conducts its business, it is vital that the market for software and services remain competitive.

Please do not accept the settlement as it stands, for it does not address Microsoft's abuse of its monopoly.

Sincerely,
Eric Ellsworth
Seattle, WA

MTC–00019473

From: Max Phillips
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the settlement with Microsoft. As they have been found guilty of illegal behaviour in the past, and it is quite clear that this behaviour is continuing to this day, I believe that a remedy and punishment should be imposed on the company, NOT negotiated. I am worried that Microsoft's slick lawyers will get them a position where they can continue to abuse their monopoly position and stifle innovation.

The year is 2002. Yet we still have to put up with crashes and freezes every day and

we have holes all over the place which risk our security and privacy. Microsoft have NEVER innovated. They merely copy other people's innovation from which it stalls. Windows was not invented by MS, Instant messaging wasn't invented by MS, web browsing, streaming audio/video etc etc all weren't invetned by MS, yet through its monopoly position it now controls and owns these technologies, and they stall.

It is 2002, we should be doing amazing things with our software, yet we are stuck with buggy, bloated, software which treats us as if we are all stupid. Hardware, where the market is more competitive has improved out of site, yet software stagnates as soon as Microsoft illegally closes the market down! The DoJ must stop this.

I don't really care much that MS has stolen profits from other companies. What I DO Care deeply about is the fact that through their greed the possibilties for technological advancement, and the social and cultural advancement which it may provide, is severely stunted. The few millions of dollars that MS might contribute to political campaigns or lobbyists PALES in comparison to the damage done to the possibilities for human advancement. We sent people to the moon in 1969, yet my computer can't stay stable for one work day! There is clearly something wrong.

I would like the DoJ to break up microsoft into separate pieces.

1) O/S business

2) Business application business

3) Web related business (browser, media player)

4) Server etc business

Futher more I would like truely independent monitors to watch these baby MS to make sure they aren't coluding or conspiring.

A massive fine should be imposed on MS, and especially the directors who were personally in charge of making the decisions to act illegally. The money from this massive fine (I'm thinking many billions) should be used for the following activties:

1) set up free servers and bandwidth for Free software, Open Source software and public domain projects, to colloberate and distribute their products.

2) a fund should be set up to provide grants to interesting software projects (which won't necessarily make money) and distributed by an independent government authority.

3) computers, bandwidth, and training should be given to those in the poorest areas and to less developed countries overseas.

I would also like to see William Gates and fellow senior managers to some serious jail time. Too often small time crooks, or drug users are sent to jail for awfully long periods, while the white collar corporate crooks who waste and steal billions of dollars and destroy redundant workers lives (e.g. ENRON) get off with a slap on the wrist. So lets get it right and ensure the perpetrators of these illegal acts are sent to jail.

Thank You for reading my submission,

Max Phillips

MTC–00019474

From: brian bertsch
To: Microsoft ATR
Date: 1/23/02 8:36pm
Subject: Microsoft Settlement

Ms is using their leverage to prevent OEMs from putting BeOS, a promising new technology OS, into store-bought computers by controlling the boot process. Consumers were not able to even see it operate. They created a high barrier to entry for the new OS.

Open the boot record to allow OEMs to offer dual boot computers. I mean windows / OS2, or windows / BeOS, Windows Linux, or any other combination. Anything else is monopolistic discrimination. It is bad business to go single-source for a product!

Brian Bertsch

Irvine, CA

MTC–00019475

From: Noah Gibbs
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

Sirs,

As the target of much well-reasoned (and much poorly-reasoned) commentary on the DoJ's antitrust settlement with Microsoft, I'm sure you've heard a great deal about the technical merits of the settlement and its specific language. I'd like to reiterate a couple of those key points again, and state my support for the viewpoint that the proposed settlement neither fully addresses Microsoft's criminal behavior nor discourages them from continuing it.

First point: lack of requirement of action. The settlement says a number of things which Microsoft ''must'' reveal, any of which may be easily slipped around by claiming that those protocols must stay secret for the integrity of Windows, and none of which must be revealed to anyone other than competing corporations—not, for instance, hobbyist programmers like myself who write Open Source software nor to the public at large.

Second point: lack of penalties. Penalties for MS's failure to respect this settlement are not spelled out. Given MS's long history of ignoring such court mandates, the lack of such penalties (other than extending the period for which they ignore them) is ludicrously negligent. We all know they'll break the agreement if they feel it's in their best interests, so the question is ''what will happen to them when they do?'' That question remains unanswered.

Third point: lack of scope. The settlement addresses some (but not all) of the points addressed by Judge Thomas Penfield Jackson's original judgement, but leaves out a number of them that he didn't cover properly. The simplest one, the one that proves their maintenance of monopoly and badly hurts OEMs and consumers, is their contract clauses preventing OEMs from shipping machines with multiple operating systems preinstalled and bootable (''dual-boot'' or ''multi-boot'' machines). This is active maintenance of their monopoly, and prevents consumers from being able to buy machines with non-MS operating systems —even if they are willing to buy an MS OS as well—. If there is any question of whether the OEMs can simply find no other operating system to include, look at operating systems like Linux or BeOS which were offered to them freely. In the current market, given OEMs incredible pressure to differentiate themselves in any way, why have essentially no dual-boot systems come to market? Why does no major OEM offer, for instance, a machine preloaded with Linux? Why does no major manufacturer offer a machine with no operating system at all, allowing consumers not to pay MS? MS's licensing practices support their monopoly most directly, and have gone essentially unaddressed. As a consumer, I feel both deeply disappointed and betrayed that the US Government initiated and concluded these proceedings without a very serious look into these deplorable practices.

Until Microsoft is restricted from controlling standards, killing those it does not control, true innovation will remain shackled. Until Microsoft has competitors, Operating Systems in current use will always be insecure, as Microsoft's internal processes guarantee. While Microsoft can leverage its Operating System monopoly to kill products in competing fields (handheld computers, web browsers, application software, home entertainment, video game consoles) this contagion will spread. We have seen the results of Microsoft working without competition, as Microsoft Office in modern days demonstrates, or Windows 3.1, NT, 95 and 98—prior to the rise of Linux. It is too early to give up on the information revolution, and so it is too early to let Microsoft run unfettered, destroying the technology industry that gave birth to it, as it has demonstrated every intention to do.

MTC–00019476

From: Garrett Arch Blythe
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

Microsoft makes products integral to my job as a software engineer. I do not believe Microsoft should make products which eliminate the need for me as an innovating software engineer. I was the lead software engineer for Netscape Navigator for MS-Windows.

garrett

MTC–00019477

From: pothiers@cepheus.
azstarnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It does not protect OEMS against retaliation when they ship PCs with competing operating systems. This puts undo preasure on OEMS to do the WRONG THING; namely reduce consumer choices. As a consumer, I've come face to face with this limitation when purchasing computer equipment for my business. My choices were artificially limited by Microsoft practices and the settlement does nothing to improve things.

Steven Pothier

Tucson, Az

Senior Scientist

Member of the Association of Computing Machinery

Software engineer for 19 years

MTC–00019478

From: root@ftc.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to state my opinion that the ''penalties'' that Microsoft faces currently are hardly a slap on the wrist. Microsoft should be split into two different companies. By not doing this they will still have the inside design advantage for their software. Hopefully this would keep them from executing their past illegal practices in play. They go to a computer maker or software distributor and say ''Sell only my products or you don't get the discount''. The loss of a discount could make a company uncompetitive price wise or make them operate at a loss which makes their long term operations harder to manage. This type of behavior is extortion. Sell my products only or we'll destroy your company. If this type of thing happened on the docks, we would call it racketeering and Microsoft the Mafia.

Do not allow this phony penalties to stand. Don't fall for the ''what's good for Microsoft is good for the country'' talk. Predatory monopolies that behave the way Microsoft does is not good for anyone except Microsoft.

These opinions are mine alone and are not associated with my employer in any way.

Jeff Cleverley
Unix system administrator

MTC–00019479

From: Brendan
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

I think several billion dollars worth of top shelf shares in the company should be given to needy schools and hospitals, so that they may profit financially from Microsoft's monopoly onwards into the future just as microsoft will profit from their ill gotten monopoly onwards intot the future.

give out several billion dollars worth of MS shares to needy community organisations.

MTC–00019480

From: Richard.Hibling@au.nestle.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

1) Microsoft DOES NOT provide value for money in it's operating system products. It charges way too much for a product that is not stable enough to be reliable.

I have to use Windows for such products as Photoshop and Acrobat. If the operating system was free like Linux and open source—it would be made much more stable by the world full of developers who like windows and want to use it. Then Microsoft could sell their products (Word, Excel etc) which would run just as well on Windows but would be stable and reliable (and a whole lot more secure and speedier once the ''dodgy'' code was eliminated.

Don't get me wrong, I don't ''hate'' Microsoft and ''love'' Linux—I ''dislike'' Microsoft because I cannot depend on Windows as an operating system whereas I can depend on Linux—unfortunately because of the Microsoft monopoly many manufacturers do not want to port their products to Linux. So I am stuck with Windows whether I like it or not—and I don't.

Until MS can be slapped into shape this situation will continue unless MS is slapped so hard that manufacturers decide to port to Linux—if that happens MS will die.

Regards,
Richard Hibling
Oracle DBA
Nestlí Australia Limited
Tel: +61 (2) 9352 5642

MTC–00019481

From: mmessano@auraleyes.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement

I am writing to voice my concern that the current Microsoft settlement proposal is little more than a slap on the wrist and will not accomplish its goals of rectifying the monopoly abuses that MS has been found guilty of. Specifically, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

Michael Messano
mmessano@auraleyes.net

MTC–00019482

From: Cornel Huth—40th Floor
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement 6402 INGRAM RD SAN ANTONIO TX 78238

Microsoft was found, in the narrow scope of the way-too long trial, to be guilty of serious violations of law. It is my opinion that if Microsoft is let off, it will continue to do, as it has shown before that it —will— do, what it was found guilty of doing. What purpose does it serve to let Microsoft off? None to the consumer, that's for sure, and everything to Microsoft. Which, exactly, was found guilty? Microsoft for being an illegal monopoly, or the DOJ for taking this (very narrow case) to trial? Punishment is what is required, not a pat on the back and a wink of the eye.

Sincerely,
Cornel Huth
http://40th.com/mail.html

MTC–00019483

From: John McDermott
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

John McDermott
PO Box 30156
Long Beach, Ca 90853
January 23, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views. This frivoulous lawsuit probably cost investors millions more than the Enron fiasco caused, and there was no government intervention there. Keep the government out of private business.

Sincerely,
John R. McDermott

MTC–00019484

From: Jonathan Weeks
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

The settlement offers of late on the Microsoft trial are:

laughably inadequate to protect the consumer's interest

a miscarriage of justice given Microsoft has been found guilty

will only serve to harm consumers going forward

will set a terrible precedent for the children of America about

the rule of law and consequences of playing dirty

Please do the right thing and consider the morality of the case foremost over the incredible corrupting power Microsoft represents, and come up with a punishment more in line with the crime(s).

Thank you,
Jonathan Weeks

MTC–00019485

From: Kathy Kasza
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:39pm
Subject: Tunney Act Comments

re: Tunney Act Comments

To whom it may concern,

I can't believe that after finding Microsoft guilty, the government will ''settle'' on such poor terms.

At the very lest, Microsoft needs to be heavily ''fined'' in real dollars. ('fined': all their illegal profits taken away) Better yet, dismember Microsoft.

Sincerely,
Katherine Kasza
328 W 5th St
San Dimas CA 91773

MTC–00019486

From: alan@opendoor.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

A recent article in the San Jose Mercury News said: Nine states are still pursuing a remedy that means something. At the same time, a federal judge will decide whether the settlement offered by the Bush administration and other states was in the public interest.

The judge will be reading public comments, required by law, on that question. You can still send an e-mail, with ''Microsoft Settlement'' in the subject line, to microsoft.atr@usdoj.gov I'm just writing in to say that I think the proposed settlement is too weak. I'm on the side of the nine states pursuing stricter remedies. Microsoft has been at this monopoly thing way too long with insufficient government restrictions. Often government restrictions are bad, but not in the case of a powerful monopolist like Microsoft.

Alan Oppenheimer, President
Open Door Networks, Inc.
Internet solutions as easy to use as the Macintosh itself
alan@opendoor.com
http://www.opendoor.com

MTC–00019487

From: Paul Gabriele
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA).

It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert— offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows:

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry.

In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Paul Gabriele
Chicago, IL

MTC–00019488

From: Jack
To: Microsoft ATR
Date: 1/23/02 8:39pm
Subject: Microsoft Settlement

Dear DOJ,

The Microsoft settlement is a very, very bad idea. MS should be punished, not rewarded, for monopolistic behavior.

Jack Dunn

MTC–00019489

From: Triple (q)T(q) Ranch
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

I am writing this message in response to the latest boondoggle by AOL, Netscape and other parties involved in the latest filing of a lawsuit against Microsoft. While I am not the biggest fan of the Redman bunch, I believe in giving credit where it is due. Microsoft is largely responsible for the technology growth in this nation and the world. As the Technology Director for a small school district in East Texas, I find these continued attacks disturbing. It will do nothing but drive up the cost of software, and delay developments that education could find useful. Netscape and AOL should be publicly chastened for continued attacks. AOL has little room to talk as they have systematically wiped out other ISP's of there kind (thankfully). AOL's product is flawed, full of viruses, and their business practices are less than desirable. In my opinion, the DOJ and Microsoft need to settle this fiasco, tell AOL and others to quit crying and develop a better mousetrap and get on with the business at hand.

Werner Burwood

MTC–00019490

From: Patrick Greenwell
To: Microsoft ATR
Date: 1/23/02 8:39pm
Subject: Microsoft Settlement

As a long-time technologist and small business owner, I am adamantly opposed to the proposed final judgment in United States v. Microsoft. The first glaring problem with the proposed judgment is that there are no punitive penalties related to Microsoft's'' past illegal, and anti-competitive behavior. Rather it attempts to simply modify their behavior in the future. Microsoft is directly and indirectly responsible for putting countless businesses and individuals out of work through their illegal actions. They should be made to pay for their past misdeeds rather than simply promising ''not to do it again.''

Second, as someone with over 15 years in the computer industry, the proposal as written is rife with countless examples of conditions, loopholes, and exceptions that aid Microsoft to the point of rendering this agreement as written nearly worthless.

These include:

III.c.3 forces organizations wishing to run a post-boot middle-ware product to either display no user interface, or one that is consistent with Microsoft's own interface. This clause significantly hinders other parties ability to determine look, feel, and to provide additional functionality which requires a different interface.

The unwritten requirements in III.D ''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of inter-operating with a Windows Operating System Product via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middle-ware to inter-operate with a Windows Operating System Product.'' What this language illustrates is that in order to gain access to interoperability information, one would have to have a business relationship with Microsoft as an ISV, IHV, IAP, ICP or OEM which would undoubtedly be tied to a separate lengthly and restrictive licensing agreement.

Interoperability information should be freely available to anyone who wishes it. A business relationship with Microsoft should not be required in order to determine how to make ones software work with their software.

Section III.G.1 states that ''Microsoft shall not enter into any agreement with any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software,

except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software,''

This clause does absolutely nothing to aid anyone other than Microsoft. It allows Microsoft to contravene the intent of earlier sections which were aimed at preventing Microsoft from punishing their partners who chose to use other parties software. Instead of being punished, Microsoft is simply enabled to ''reward'' those who ''distributes, promotes, uses, or support'' Microsoft Platform Software at any fixed percentage they wish(100% is a percentage for example.) By ''rewarding'' partners that use all Microsoft products Microsoft can continue to make it financially unrealistic for manufacturers in the highly-competitive industry to not use Microsoft products and forego the ''rewards'' that Microsoft provides.

III.H.2 allows Microsoft to require confirmation for installation of Non-Microsoft middle-ware. What it does not do is state the nature of the confirmation(is it a one step process, a ten step process, etc.) nor does it offer any guidance as to the language to be used. As written, this clause would allow Microsoft to require a twenty-step process with language that reads ''WARNING replacing this software could seriously damage your operating system or machine'' throughout in order to replace Microsoft middle-ware.

III.J.1 offers an exemption from disclosure of any APIs or documentation that would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

One of the ways in which Microsoft could avoid disclosure of large amounts of data would be to simply make the claim that disclosure would ''compromise security'' any time they did not wish to disclose something and then utilize their innumerable resources to press those claims. Further, there are already products that exist which require knowledge of Microsoft authentication mechanisms, namely SAMBA(http://www.samba.org). This clause as written would actually allow Microsoft to put this project out of business by denying them access to information.

Third, Section IV.B borders on the ludicrous. What is being agreed to is that Microsoft, convicted of multiple illegal acts, gets a 50% say in choosing who is appointed to determine if they are perpetrating additional crimes from a technical perspective.

Microsoft should have absolutely zero say in who is appointed to judge their compliance, just as I would not be able to choose a particular judge if I were accused of committing a crime.

Were this not bad enough, IV.B.d renders the Technical Compliance Committee worthless by prohibiting the admission of their work or finding in enforcement proceeding for any reason, and forbidding them to testify on any matter related to the judgment.

As written this proposed cure does nothing to address Microsoft's'' past misdeeds, offer little if any protection to consumers, and allows Microsoft to continue to perpetrate many of the crimes it has been found guilty of.

For all of the reasons outlined above, I urge you to reject this proposal outright, or at a minimum require significant modification.

Sincerely,

Patrick Greenwell

MTC–00019492

From: Peter Brumblay
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To whomever it may concern,

A recent post on slashdot.org alerted me to the fact that I have a small ability to complain about the Microsoft Settlement. I have been an employed software developer for the past two and a half years, and have been an avid computer user for the past sixteen. Throughout this time, I have had first-hand experience with many of Microsoft's software products, including their operating systems.

A very interesting comparison has been made by Scott Rosenberg in an article at Salon.com (text here:http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html) to the PC CPU market. In short, AMD's relatively recent entrance into the higher-end PC market has fueled a fiery competition between Intel and AMD. This competition has allowed consumers to purchase excellent products at much lower prices than comparable products in the mid-90s. I am particularly pleased with this competition, as I upgrade my computer about once every two years. The article then describes the horrible lack of competition in the operating system market, and how Microsoft's partially disclosed APIs prevent other operating systems from being competitive. If the majority of quality commercial software only runs on Microsoft operating systems, then how are other operating systems supposed to compete?

The secret to the competitiveness in the chip market is the fully disclosed machine language that the chips understand. AMD chips and Intel chips can read the same computer code at the hardware level and are therefor able to run the same software. If Microsoft were required to fully disclose the Win32 API, and the APIs (and file formats) of the products that it uses to retain its monopolistic leverage in the market (Microsoft Office, for example), other operating systems (Linux, FreeBSD, MacOSX) would be able to compete much more readily, because they would be able to run the same applications that the Microsoft applications can.

As outlined in Dan Kegel's essay, the provisions in the settlement do not require Microsoft to fully disclose their APIs and offer them many loopholes to remain anti-competitive. (Essay's text here: http://www.kegel.com/remedy/remedy2.html), thus dooming Linux, FreeBSD, et. al. developers to the laborious task of catch-up through reverse-engineering.

I sincerely hope that a change can be made to this Settlement to give me a choice in the future as to which operating system I run, and which operating system I develop for. The current Settlement is grossly inadequate, and currently I forsee a future where I will be forced to write code for Microsoft products, lest I move to a different profession.

I want a choice.

Sincerely,

Peter Brumblay
2718 Moorhead Ave. #207
Boulder, CO 80305

MTC–00019493

From: Todd
To: Microsoft ATR
Date: 1/23/02 8:44pm
Subject: Microsoft Settlement

I feel that Microsoft is not being properly punished or limited in the future from continuing its unlawful activities. What must stop is the bullying of PC vendors into selling exclusively Windows PCs with a certain desktop setup, or no Windows at all. It unlawfully hurts the consumer and the economy, when nobody is allowed to buy an alternative product until after Windows and its browser have already been forced upon them.

Todd Hutchinson
age 26
Portland, Oregon

MTC–00019494

From: Cullen Newsom
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

Dear Persons,

I am displeased at the way the Department of Justice has handled the Microsoft anti-trust case.

I support stronger sanctions against Microsoft Corporation.

Cullen Newsom
University of Houston High Energy Physics
4800 Calhoun Road #632 Science Research One
Houston, Texas, USA 77004
newsom@uhhep.phys.uh.edu

MTC–00019495

From: ssl@tiac.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:41pm
Subject: Microsoft Settlement

I oppose the settlement. I've been in the personal computer market since the beginning; first as a consumer, later as a developer and independent contractor.

A few points:

It is an outright lie that Internet Explorer (''MSIE'') can't, as a matter of principle, be removed from Windows. It does not take a software expert to appreciate this: consider only that MSIE also runs on the Macintosh. Or, remember that MSIE is derived from a browser originally developed by Spyglass. Or, that MSIE was a separate product for Windows until Windows95. Of course it is possible to construct MSIE and Windows

such that removing the former will break the latter, but that's no different than using glue instead of a nut & bolt to hold a pair of items together.

Microsoft is NOT an innovator. They have invented almost nothing, and purchased or copied nearly everything. If Microsoft's behavior had been even a little less rapacious, the following outcome would have been likely:

more competition, since companies (and investors) would not avoid markets that Microsoft targets

higher growth in the computer industry

more innovation

lower prices

Microsoft has lowered the market price of some high-end items, though vigorous non-Microsoft competition is likely to have achieved the same result.

Microsoft has RAISED the price of their monopoly items, e.g. look at the relative cost of Windows and Microsoft Office vs. PC hardware.

Microsoft's products are, in general, poorly designed and have many serious bugs. Open competition would have yielded higher quality products, ultimately leading to higher productivity and therefore a higher standard of living. Again, this point is easy for those who are not software experts to understand.

Just consider how much time they and colleagues waste due to software crashes, features that are difficult to use or don't accomplish the expected result, etc.

Review the Findings of Fact. It is clear that Microsoft has not, in general, been willing to compete on the basis of offering better products and services. Instead, it's just been ruthless. An essential component of the free market is the rule of law. Microsoft's lawless behavior has harmed consumers by reducing innovation, lowering overall product quality, raising overall prices, and ultimately reducing national productivity.

Microsoft's behavior was not reigned in by past settlements, and they remain unrepentant about the clear violations listed in the Findings of Fact. The current settlement appears to be both token and toothless, and will have very little affect.

MTC–00019496

From: Sean Simpson
To: Microsoft ATR
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

I have a great many issues with the proposed Microsoft settlement, and as an aware, informed, and concerned consumer, I want to highlight the one of most concern to me: encouraging competition among ISVs.

1) Require advanced notice of technical requirements. Section III.H.3 of the Proposed Final Judgment requires competing ISVs of middleware to meet ''reasonable'' technical requirements seven (7) months before new releases of Windows, yet does not require Microsoft to disclose those requirements. This allows Microsoft to maintain their monopoly by changing the requirements after the seven (7) month deadline has passed.

2) API documentation. On a related note, Section III.D of the Proposed Final Judgment specifies that release of the APIs to ISVs is not required until final beta of the middleware, yet this does not provide nearly enough time in the beta cycle to allow the ISVs to bring their middleware in line with Windows APIs. And it allows Microsoft another loophole, building on the one mentioned above. And many important APIs would remain undocumented, such as Microsoft.NET. Furthermore, there are unreasonable restrictions placed on the use of said documentation, especially as relating to writing for a competing operating system, by not allowing those who write applications for a competing operating system along with Windows versions of said applications to see this documentation.

3) File formats At no part in the Proposed Final Judgment is Microsoft required to disclose any information about the file formats, even though those undocumented Microsoft formats, such as Microsoft Word (commonly called ''.doc'') and Microsoft Excel (commonly called ''.xls''), are part of the Applications Barrier to Entry (''Findings of Fact'' paragraphs 20 and 39).

4) Patents covering Windows API remain undisclosed Section III.I of the Proposed Final Judgment requires Microsoft to license certain of their intellectual property rights, but not to clearly announce which software patents protect the Windows API, creating a barrier to Windows-compatible operating systems, as they are unable to determine whether or not they may be violating Microsoft software patents. This will inhibit market acceptance of those competing operating systems, further maintaining Microsoft's monopoly.

5) Definition of ''Windows'' The definition of Windows in the Proposed Final Judgment is excessively narrow; it does not apply to Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box, all of which use the Win32 API, and are advertise as ''Windows Powered.'' In fact, Microsoft themselves have stated that Windows XP Tablet PC Edition is an API-compatible operating system, and will run Windows software. Any Microsoft operating system software which is even source-compatible, such as Pocket PC, with Windows 2000, Windows XP Home Edition, Windows XP Professional, and their successors, should be covered by the Proposed Final Judgment, as the Windows operating system—in all its forms—is the linchpin of the Microsoft monopoly. It is my considered opinion that this Proposed Final Judgment is utterly inadequate to the stated purpose of ending Microsoft's illegally maintained monopoly. The existence of this monopoly has led to stagnation on the desktop, and cost Americans untold billions of dollars, both directly through Microsoft's damaging practices, and indirectly through causing the industry to standardize around programs rather than protocols, allowing for the spread of viruses such as SirCam and Nimda that exploit weaknesses in Microsoft software. To that extent, I support a much harsher penalty against Microsoft, that will allow the playing field to be leveled, and for ISVs to create truly competing products, and return the desktop computer software market to a healthy state.

Sean

laudre@null.net √ ICQ 1913601 √ AIM Laudre

http://www.drelau.com Drelau Productions

MTC–00019497

From: Erich Friesen
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement,

I believe Microsoft has behaved in an anti-competive way and continues as I write to behave in an anti-competitive way by making Windows XP not work as part of a multi-boot environment (as with LILO, which Windows used to work with) Therefore Microsoft's own actions prove they can not be trusted to restrain themselves from anti-competitive action, and they should be broken up. Punitive damages are appropriate here, for those companies that were harmed by Microsoft (e.g. Netscape, GNU Software Foundation)

Erich Friesen
Architect
Saint Louis Missouri

MTC–00019498

From: David Schick
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

This settlement is bad for America, and for Americans. I do not support it in any way.

David Schick
712 Hammond Branch Drive #304
Odenton, MD 21113

MTC–00019499

From: Rosie Nelson
To: Microsoft ATR
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

To whom it may concern:

I am strongly opposed to the settlement proposed between the Department of Justice and Microsoft Corporation. Instead of discouraging the anti-competitive practices of the past, the settlement allows Microsoft to maintain complete control over the functionality of competitors'' products. Without additional restraint and guarantees to software developers that their products will not be hindered unknowingly, Microsoft will remain a monopoly. Please reconsider your decision.

Thank you for your time.

Cheryl Nelson
Cheney Hall Rm 213
2650 Durant Avenue
Berkeley, CA 94720

MTC–00019500

From: Doug Masson
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to write to register my objection to the proposed Microsoft Settlement. Individuals more scholarly than myself will have already informed your opinion, so I will keep it brief. In light of Microsoft's past history with conduct remedies, any future conduct remedy (as opposed to a structural remedy) would have to have swift, vigorous, and transparent

oversight. The proposed remedy does not provide for this.

Do not allow Microsoft the ability to hide behind ambiguous provisions ostensibly designed to protect their ''security''. In the past, Microsoft has been indifferent to security concerns (note the constant problems with Outlook). There is no reason to believe the company won't hide behind security as a pretense for not allowing interoperability.

Finally, the proposed settlement contains numerous provisions that could undermine the free software movement. Ultimately the free software movement contains the best hope for a competitive software environment. Anyone dependent on a profit to survive will ultimately be smothered by Microsoft as were the makers of Lotus, WordPerfect, and Netscape to name three.

Thank you for your consideration.

/s/Douglas J. Masson

MTC–00019501

From: Chris Cooney
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

I have to say that the proposed segment is a joke in poor taste, and we are all the butt of it. First of all, the proposed amount is staggering low for Microsoft—they made $770M in interest in 1999 (give or take), so if this were a straight fine, it would amount to a year and a half worth of interest. To put that in perspective, a year and a half of interest on my accounts runs abour $20.

It gets worse. Microsoft gets to use that money to flood public schools—one of the last bastions of Apple, their only credible direct competitor. further, it looks like they can count the retail price of their software in the 1.1 billion. this means that they spend $200M on hardware and about $100M on software (retail value $900M), take a hefty deduction on taxes and possibly make money on the deal. Never mind that this does nothing to even slow their rapacious assault on the industry; note the common fate of a Microsoft competitor is to be buried under piles of cash, find their lead developers are suddenly working for Bill Gates, or find that Microsoft is making something equivalent to their product and giving it away. Ask a venture capitalist how many companies thay ever funded that competed with Microsoft. You won't find many.

I'm not exactly sure what needs to be done, but it needs to be far closer to Jackson's breakup order than this. Microsoft is killing the industry and stiffling innovation.

-chris

MTC–00019502

From: Spencer Cathey
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

Dear JUSTICE DEPARTMENT,

As you know, the computer .COM people, left on their own, caused substantial damage to the marketplace, wasting billions of otherwise useful investment dollars. If Microsoft is not shown, by your department, it must improve, it too will go the way of Enron. It won't be funny, and will lead to your doorstep. Do the right thing. Nobody is fooled by these power politics. You can lead the way to progress, or to disaster. Allowing Microsoft a free hand is the wrong thing to do.

I have programmed a computer for 20 years, was a Windows NT evangelist, and have been steadily dissappointed with Microsoft's lack of innovation for the last 8 years. I wouldn't buy their stock if I was you.

Sincerely,
Spencer Cathey
3891A Cedar Creek Road,
Colville, WA, 99114
(509)732–8973
spencer@unrapt.com

MTC–00019503

From: Chris Hochrine
To: Microsoft ATR
Date: 1/23/02 8:41pm
Subject: Microsoft Settlement

To whom it may concern:

I work in the computer field, and while I do not directly work with Microsoft products, I am familiar with the programs from office work. I have several years experience in both computer programming, and computer system administration on multiple operating systems

I strongly feel that the proposed settlement is inadequate. Not only does it offer little or no restitution to the parties harmed by the anti competitive behavior, but it also does effectively nothing to prevent Microsoft from continuing the behavior in the future.

In particular, in section III.J.1, Microsoft is allowed to keep APIs closed under certain conditions. The conditions specified are so broad they could easily be taken to mean every piece of software written by Microsoft. This would enable Microsoft to develop internal APIs, which would give all competitive programs a significant disadvantage in performance and interoperability.

Additionally, in section II.J.2, Microsoft is allowed to not share its ''open'' APIs with individuals. The hobby software development community is very large, and produces a great deal of code. This provision allows Microsoft to only share its APIs with companies, thus excluding the hobby software developer. The provision also gives Microsoft the discretion to refuse a legitimate company if, in Microsoft's opinion, the company does not have a viable business plan. It is not a large stretch to image that any potential competitor would be classified as not being a viable company.

Finally, given Microsoft's past actions concerning the earlier anti-trust suit, the provision for effective enforcement of the terms falls far short. The company has shown in the past it will ignore court orders and will selectively interpret provisions to its favor. I urge the settlement to be rejected on all points.

Chris Hochrine
Peoria, AZ

MTC–00019504

From: Michael Bond
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement

I have been using alternate OS's (not windows) for years now, but there is always something ''missing'' in the mid 1990's I used OS/2 Warp 3, until about 1996 when there were a few key applications that required Windows 95 to run. in 1998 I switched to Linux and run it as my Primary OS to date at home. I Also have a MacOS X laptop for road work. However i am unable to use linux reliably at work because of the difficulties of interacting with Windows. While it is possible to interact with windows, the closed nature of windows does not make it possible for me to Administer Windows effectively from a Linux workstation.

This cause me to occupy 2 computers at work, because another core part of my job requires the use of an Operating system with many Text editing feature and programming language. Unix, in my case linux, is the best choice. However every time I receive a computer upgrade it costs my employer twice as much money because My job requires me to use 2 computers.

If windows had a more open architecture it would be possible to develop tools like Dameware (www.dameware.com) which allow complete control over the network that i am responsible for maintaining. I do not ask that Microsoft Open Source the window operating system or Microsoft internet explorer. They are entitled to keeping their source code closed and locked away. I do however Ask that microsoft release everything required to program tools that would allow myself and other professionals that need to use alternate Operating Systems the ability to administor and maintain, fully, a computer running windows over a network to the same ability that Windows Administrators can.

Michael Bond
mbond@wvu.edu

MTC–00019505

From: polly a. woodress
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: AOL Netscape Is Trying To Sway Justice

To Whom It May Concern:

The news that AOL Netscape has filed suite against Microsoft just as the Dept. of Justice is in the final, punishment phase of it's suite against Microsoft has but one intended outcome...which is to try to sway the D of J into thinking that MSFT was guilty of doing harm to competition. The facts about the so called ''browser wars'' between MSFT and Netscape could not be more clear. Remember, please, that AOL bought Netscape in the midst of the D of J case against MSFT...Remember also that all browser users, including the majority of the public as well as the so called ''high techies'', agreed that the MSFT browser was just plain better, easier and more user friendly than was Netscape. That is why Netscape lost the ''war''. I am a shareholder in AOL/Time Warner...I have owner the stock as a very early owner of Turner Broadcasting Company shares. As you know, Turner merged with Time Warner, then Time Warner merged with AOL. Since the AOL merger, I have been disappointed with many corporate decisions, each giving me less and less

confidence in the business ability of AOL. AOL is either looking for a ''quick fix'', I fear, to a very real money problem, or a ''quick fix'', I fear, to a competition problem. But, please know that the ''fix'' will come as a part of your present findings/punishment of MSFT. Don't let them use this cheap trick to influence your current decisions. Let another court take up their issue. But, above all, please let the technology sector of this country get back on tract inovating new and needed resources. We have so many really important issues before us and we need leaders, in industry as well as government, that can connect with the people. MSFT creates real instruments that help streamline the future in lieu of just re-newing a monthly subscription for a service.

Please don't be influenced by this cheap shot!

Thanks. Polly Woodress

MTC–00019506

From: Marcel Valcarce
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement lets them off too easy

As a long time member of the computer industry and someone who has worked with Microsoft products and those of other companies I would like to say that I think the settlement as proposed is a slap in the wrist to a company that has over charged consumers millions of dollars, and killed competition in the computer industry, I urge you to reject the settlement and seek sanctions that will actually punish Microsoft for their illegal actions.

MTC–00019507

From: Craig Miller
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I think that under the Proposed Final Judgment as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

An example of this is the PFJ fails to Prohibit Anticompetitive License Terms currently used by Microsoft eg Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems.

MTC–00019508

From: Jack Sutton
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: To Whom It May Concern

To Whom It May Concern

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jack Sutton

MTC–00019509

From: Dink
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

Please be as a tough as possible on these people. There are several able developers being stymied by their predatory practices.

Thanks Dink—''Don't assume malice for what stupidity can explain.''

MTC–00019510

From: Michael
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement ''We were supposed to fight for people who couldn't fight for themselves. We were supposed to fight for Willie.''—PFC Lowden Downey in the motion picture ''A Few Good Men''

For years the corporation known as Microsoft has run roughshod over anyone and everyone who would dare to compete with them. The term ''innovate'' was bandied about quite often during the anti-trust trial and I find the excessive use of that word to be the only aspect of the proceedings which was more ludicrous than the testimony of Bill Gates. Microsoft has done nothing to earn the term ''innovator''. To date they have either stolen any advanced features incorporated into their software or have bought another company which already had developed technology they wished to add to their stable.

As someone who has been deeply involved in the world of microcomputer technology and use for over twelve years I am appalled by the fashion which the Department of Justice has shirked its solemn duty to the American people. This is a company which blatantly leverages its monopoly power to vanquish any worthy competitor. They continue to tie every product they can deep into the Windows operating system. Internet Explorer virtually wiped out any viability of the Netscape browser simply by virtue of being included with the Windows distributions. Internet Explorer at the time was widely acknowledged to be an inferior application however as it was available at no additional cost to the end user it easily wrested market share from Netscape.

The fact of the matter is that Microsoft has been found guilty of violating FEDERAL LAW. No response other than the most severe of penalties is appropriate. Bear in mind that the fruits of their monopolistic behavior exist in the form of billions of dollars of cash reserves. These cash reserves, ill-gotten gains, to say the least, should be heavily fined. The company, to date, remains totally and completely unrepentant and should be broken into no less than three entities which would be allowed to have no direct dealings with one another. While you're at it, you should file charges against Bill Gates for perjury. For his so-called testimony was nothing less than misleading. Finally, the source code of the Windows operating system should be opened to the public and published as open sourced code.

Make no mistake. Your failure to fully and properly prosecute these remedies will result in an even bolder company. One which you are obviously becoming impotent to control.

IT IS YOUR RESPONSIBILITY! You're supposed to fight for those of us who are not powerful enough to fight this behemoth. If you do not act, and act wisely, Microsoft will gain more and more control over more and more business sectors. Even now they are attempting to wipe out competition in the console game market by selling their X-box at a lower cost than required for them to assemble them in the first place.

They have dipped deeply into online banking and travel. How much farther must they go before the segments of our government which act now as special interests are stopped from national, or even global, domination?

Michael D Logan

Denver, CO

MTC–00019511

From: dfbb@linux.net.cn@inetgw
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

I don't like PFJ, both with M$.

Dan

MTC–00019512

From: Rob
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Microsoft Settlement

I would like it known that I am opposed to the tenative settlement in the Microsoft case.

As it stands the terms are too narrowly defined and will allow Microsoft to continue with their illegal and immoral practices in the very near future.

In addition, the goverment should have already learned that ''slapping Microsoft on the wrist'' did not accomplish anything. They continued with their shady business practices right away, and even now, in the middle of all this they are attempting to corner markets. Their .net stratagy is an attempt to gain control of the internet. If the

government can't see this then they better get experts who can.

I suggest getting back issues of PC Magazine and reading John C. Dvork's columns. He tells it like it is and often has commentary's about Microsofts business practices.

The only thing that might get Bill Gates to stop trying to kill all competition is to hit him where it hurts. A really big fine would help and having him step down from any involvement with Microsoft would be even better.

What I really think should be done is to split Microsoft in several pieces: Internet software, Operating Systems, and Other Applications. This is the only way you'll ever get Microsoft to stop their ''destroy all'' practices.

Rob Iacullo (Eagle)
Mountlake Terrace, WA
eagle.one@attbi.com
http://home.attbi.com/amuse
Team Amiga

MTC–00019513

From: Frank P. Nemecek, Jr.
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

I am writing to protest the Proposed Final Settlement between the U.S. Department of Justice and Microsoft. The PFJ doesn't take into account Windows-compatible competing operating systems. In failing to do so, I believe that it amounts to an invitation for continued inappropriate conduct by Microsoft as well as a signal to world at large that the DOJ is not serious about enforcing anti-trust legislation.

Frank P. Nemecek, Jr.
Grand Blanc, MI

MTC–00019514

From: Lee Graba
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed Microsoft settlement. As I am a software developer, I have paid very close attention to this case since its inception and am amazed that we have the current proposal before us. Even though Microsoft was found guilty on key points, the proposed settlement does so little to prevent future occurances, its as good as no settlement at all. it will lead to Microsoft continuing the very things they were found guilty of! Once more, companies will be denied a fair shot at the marketplace, since MS will use their monopolies to short-circuit the decisions of the market. How can small companies get funding for innovative new ideas and products if the likely result will be that MS steals the market segment without really competing? Will venture capitalists be likely to fund companies if this is the possible result? Obviously no, and the result will be a decrease in innovation, and a decrease in consumer choice. The question I have to ask is, does our DOJ and the courts actually believe in enforcing the laws that are on our books? Is this the type of legacy that the current DOJ and the courts want to leave, that of a DOJ soft on business (even with a guilty verdict handed to it by the previous administration), and a court more interested in moving the case along than finding a proper remedy?

Lee Graba
leegraba@visi.com
lee.graba@honeywell.com

MTC–00019515

From: James Sterling Jr.
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

HI, I feel that the deal proposed is not the correct way to settle the case I have to work with Microsoft products everyday. I do not use Microsoft Products on my own computers because of the experience I have with them. I suggest that you be a lot more harsh on Microsoft and not let them get away with this.

Thank You
James Sterling Jr.

MTC–00019516

From: Chris Anderson
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It must be changed!

MTC–00019517

From: Chris Fenwick
To: Microsoft ATR
Date: 1/23/02 8:49pm
Subject: Microsoft Settlement

Dir Sirs... I am a televsion director who directs a show about the computer industry. The Computer Chronicles is the longest running show about the technology, we are currently in the 19th season. I have been involved in the show for almost it's entire life. My position gives me a unique perspective on the tech sector.

One point of interest about Microsoft that I would like to share with you as you make your dicisions about what to do with Microsoft is this. For the past 2 decades Microsoft has acted one way and one way only. The prevailing attitude from Microsoft has been this, ''We are right, everyone else is wrong, and if we stand our ground because we can afford too, everyone else will fall in line behind us.'' In other words, ''if we say it is so, they will believe us.''

Now on first glance, this seems like corporate america at it's best. Believe it is so, be confident and achieve your dream. However, this is not the tone that Microsoft has taken. I realize that this case is about specifics BUT everything should be taken into account when determining what the PUNISHMENT should be. This is about a PUNISHMENT, not a slap on the wrist. We have NO idea how many companies have been put out of business because of the unfair practices of Microsoft. Look at how Microsoft has tried to TELL the government what it's punishment should be... that is just like the arrogance of Microsoft. Microsofts punishment must be deep and just. Do not be lulled into the spell that this company has caste on so many people. Deliver a punishment that will make a difference and send a message to everyone.

Thank you for your time.
Chris Fenwick
Director/Lead Designer
Broadcast Business Graphics
www.chrisfenwick.com
650–598–3789

MTC–00019518

From: Mark Rivera
To: Microsoft ATR
Date: 1/23/02 8:51pm
Subject: Opposed. Suggestions...

To whom it may concern, I am opposed to the settlement set forth. Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people. VERY IMPORTANT —- One remedy in particular I would like to see included: Microsoft should be required to use ONLY standard file formats (like those adopted by the W3C) for all documents generated by its software. This would allow an even playing field for competitors large and small, and not lock consumers in to using Microsoft products due to legacy data. Only then will it truly be, ''may the BEST software win'', and that benefits everyone. My views on other aspects are congruent with the December 7, 2001 document provided by Brendan V. Sullivan, Jr. (Bar No. 12757), et al., ''Plaintiff Litigating States'' Remedy Proposals'', and I ask that you consider taking action which is more similar to this in spirit and effect.

Sincerely,
Mark Rivera

MTC–00019519

From: Isaac Jones
To: Microsoft ATR
Date: 1/23/02 8:43pm
Subject: Microsoft Settlement

I believe that the microsoft settlement is a bad idea. It fails to address many issues, please see Dan Kegel's open letter for a summary of why it is bad for the free software community, one of Microsoft's most important and most frequently ignored competitors. http://www.kegel.com/remedy/letter.html

I am a free software development, a researcher, and a computer science student at the Ohio State University.

peace,
Michael Isaac Jones.

MTC–00019520

From: Brendan Younger
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

Your settlement is absolutely unbelievable. Every one of you should be shot in the head for ever agreeing to such a flimsy, toothless mass of trash that is the settlement proposal. Damn you, damn the Bush administration, and damn Microsoft.

An Angry Citizen Who Would Like to See You Pansy Republicans All Drowning in a Pool of Your Own Blood,
Brendan

MTC–00019521

From: David C. Fox
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

Section IV.B of the proposed settlement agreement creates a three member Technical Committee ''to assist in enforcement of and compliance with this Final Judgment''. One member of the committee is to be chosen by Microsoft, one by the plaintiffs, and a third by the first two members. Microsoft is not allowed to object to the third member except on grounds specified in IV.B.2. However, there is no restriction placed on the grounds on which the Microsoft-appointee might object to a candidate for the third position. This gives Microsoft indirect veto power over the choice of the third member, and therefore the power to appoint or veto two-thirds of the membership of the Technical Committee. If the Department of Justice proposed giving a convicted felon the power to appoint or veto two-thirds of the members of his parole board, that would be an outrage.

To give Microsoft the analogous power is outrageous and should by itself be sufficient reason to make the proposed settlement unacceptable.

David Fox
davidcfox@post.harvard.edu
58 Hawthorne St. #2
Somerville, MA 02144

MTC–00019522

From: zircon@interlink.or.jp@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft settlement

Dear Sirs,

I've followed the Microsoft trial from its beginning. It is clear from the testimony even to a layman that Microsoft does not respect the law or the judicial system. The proposed settlement leaves enough room for them to continue protecting their desktop monopoly through predatory practices, and to use it to try to extend it to the server and communications fields as well.

I work as a consultant, and have over the years seen many technically superior products fall by the wayside after Microsoft entered the field. The consumers ultimately pay for this—even the small minority who run on other platforms.

The quickly dwindling individuals and businesses that still rely on ''alternative'' operating systems need to spend increasing amounts of energy to maintain compatibility with the ''mainstream.'' New Microsoft products use data formats that differ enough from previous versions to make it difficult for existing applications to exchange data with them. Since Microsoft frowns on the use of its development tools and information for non-Windows products, and since this information is necessary to make the products work on Windows, it becomes increasingly difficult for developers to build or maintain products for any other platforms—especially since the Windows market is the most profitable.

At this stage, excluding specialty fields, the ''alternative'' platforms have become small enough that mere removal of artificial barriers is no longer sufficient to resuscitate choice in the marketplace. The number of commercial OS/2 developers has declined to a handful, and BeOS, and Amiga, for example, are no longer available. I sincerely hope for the future of the industry that the current proposal for settlement will be rejected, and effective measures will be taken to ensure that open competition, innovation and development will once again become possible.

Yours,
Teijo Kaakinen
zircon@interlink.or.jp

MTC–00019523

From: Marc Fisher
To: Microsoft ATR
Date: 1/23/02 8:52pm
Subject: Microsoft Settlement

i believe that microsoft has had their day in court. the unfair standards they set have all but backrupted a few OS upstarts and forced computer manu. not to allow them. I am a stock holder of Be, Inc. which made(makes) an incredible os that was 5 yrs ahead of anything they have now, and this was in 96..Be struck a deal with a few computer makers, but Microsoft forced them, compaq, HP, and Dell, into not using the alternative OS. Now Be is all but gone, the major part of the co. has been bought by Palm, inc. and who knows if we'll ever see it again.

As for MS idea of settlement, that would only hurt my other stocks, which are Apple.

Be done with MS already,. they had enough time in the spotlight.

Marc

MTC–00019524

From: James Walton
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Protest of current Microsoft Settlement under the Tunney Act

Being American I have little time for my own activities etc... such as I have has only marginally followed this case as it convolutedly floundered through the wrangling of countless legal issues and needs. This complaint thus will be grounded more in concepts than in hard nosed legal study of the PFJ. It is just a blurb and only icing on the cake of issues which I find so disturbing in Microsoft's business practices and it's skillful use of legal gray areas.

Concept 1. Anything which protects, must protect all. If it protect only a few then it must do so because by protecting the few it better promotes the protection of all. This is Insurance folks. Statistics says that you get better control over variance by looking at an entire population. By giving a small cost to all you can provide for the large losses of the few. It is simple it is conceptual and thus almost poetic. thus by definition it will not work that way in the real world with competition and snake oil salesmen and such. Enter the regulator.

Insurance is not so fair or simple as it's concept. So how does a regulator Insure the protection/benefit of the many and encourage their greatest benefit can be received for the cost? Standards, requirements, rules and laws. A mortgage lender must give an APR to all clients and show them how much interest they will pay over the life of a loan. Fairness to inform but the final choice to move forward is still in the hands of the many. Take this requirement out and we are getting slighted for 10% loans that claim 4% interest with insane upfront fees that may just be added to the principle to lengthen the payoff and increase the APR.

You must regulate to prevent abuse in many aspects of competition. competitor is not moral left to it's own virtues. It does what get's it the greatest profits. You must regulate to insure it does not take profit at the price of people.

The largest conceptual issue in the Microsoft monopoly trust is that no one can get their APR from Microsoft. We don't know the terms we can't see the amortization's behind the facade of our loan. Or the final payout of our insurance benefit and what clauses may negate us even getting that benefit in the first place.

Microsoft uses the law like any company to make it's own corporate iron curtain about it's software in which it holds the copyright and patent and control of any would be viewer. The only standards are those that Microsoft creates for it's own products and interests. The only ''openness'' is the legalese you are expected to read before using any of this software as a licensee.

The OS is the bedrock of it all. Every thing that Microsoft has become it has grown from the control of that OS in the hands of a huge captive audience. And like any company a captive audience is good, the best, it's a varitable goldmine. One does not let them cross the picket lines into other pastures if one can prevent it. And so we have the windows API's and the source code itself which are company products none may view. thus those who know the OS better work for the company and can best design products to work with it. This is claimed to be their legal patent copyright cost of research and mindshare. But this is an unlevel playing field. How can your app compete against an app designed for that OS with all the OS's secrets plummed. How can you fight such a battle if the software product you compete against can be given away for free while you must charge 20 dollars just to stay afloat? This they call survival of the fittest? Not in my backyard. This is feeding chaos your children. An OS must have known methods within it it for use, equal to all open to all and unrestricted to any. The API's at least should be available to the software industry and the Microsoft settlement does not go far enough in this. A Goliath can live long but it can stumble and it can spawn many David's. WordPerfect cannot compete, Netscape cannot compete, Linux is yet new and already Microsoft has honed in on the many threats this suite of David's brings forth.

I care not about monetary fines or structural breakup of Microsoft. THESE ISSUES DO NOTHING TO ADDRESS THE BASIC FLAW THAT MICROSOFT SHOWS AGAIN AND AGAIN.

Microsoft in many ways is like the water which all other software plant's must grow from. They are the medium. But they cast their own seeds on that medium and their seeds grow quickest as they know the soils

composition and are designed to use it most effectively. The only true breakup that will be affective is to change long term protectionism in patents and copyright for software which is a rapidly changing creature dependent on the sharing of information for greatest creative use. Everytime we invent another stale wheel of code we have failed to use someone's talent to truly innovate and the spirit and purpose of patent or copyright law is lost. There must be no obstruction to mindshare. I am yet poorly skilled with items such as Linux but the concepts which allowed such things to flower are so similar to my own and to the ideals of the constitution's founder's. Let those who create get there due, but not too long and not at horrid control of all others. Let there creation breed new uses and creations as swiftly as possible and this is the golden ring of innovation.

You will never force Microsoft to open source. But you could force ALL API's open for the use and learning of all programmer's and thus provide more rapid development and innovation.

Openness, freedom of use without legal restraint or restriction. True fair use true ownership not a license to lease. Freedom to take apart and put together in different ways and forms. Freedom to think for ones self how best to get to a goal without legal restraint or black boxes of code in between.

The real world is doubtless impossible to simplify in such a way. It is ever changing and complex. But this country is not changing with it's technology and it's status quo is now like a field of icebergs adrift about a foolish Titanic. The law is vast and cumbersome thus requiring ever more lawyers. Much like the IRS and it's ever increasing rules of accounting. The system no longer does what it was meant to. I protest the current Microsoft Settlement on the grounds that it does not give programmers the knowledge they need nor the freedom to use that knowledge to build their own software products on the competitive level of Microsoft who know's it's products and can even develop those products to NOT work with an opponents products. Standards, openness free use of API at least.

Innovation requires freedom. This is the basis of our constitution. That constitution was also corrupt and it's flaw's are still seen today in the poverty of the minority. Our law is binding it can provide freedom to some and cage other's. How many decades went by with such flaws allowed. How many such flaws still remain empowering some minorities while potentially enslaving the very masses.

Make Microsoft share. Throw down their curtain's and let us see the machine's beneath and learn how to better use them for the good of all.

MTC–00019525

From: Jonathan Ray
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Microsoft Settlement

Sections IIID and IIIE should explicitly require said APIs and Communications Protocol to be made available to the public, without restrictions on disclosure or fair use. I am afraid that with the current wording of these sections, Microsoft will have too much power to limit access to said APIs and Communications Protocol, and thus inhibit interoperability. Interoperability is essential for fair competition, but Microsoft has been deliberately trying to inhibit interoperability by having proprietary standards. I am otherwise satisfied with the proposed final judgment.

MTC–00019526

From: davej@smtp2.chorus.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:49pm
Subject: Microsoft Settlement

The settlement is a bad idea. Just one MCP's opinion.

MTC–00019527

From: Michelle Gldnugget
To: Microsoft ATR
Date: 1/23/02 8:52pm
Subject: Microsoft Settlement

Thank you for inviting my comments on this issue. I am not affiliated with Microsoft, Sun, AOL or any of the big guns in the computing world. I am just an end user, computer instructor and an interested party. I am VERY UNHAPPY with the proposed settlement of the DOJ lawsuit. MS is a convicted monopolist. They have flagrantly defied and lied at every turn to protect their monopoly. I have seen the quality of their software decline as their power and market share grew. They continue to produce inferior products and squeeze out comptetitors with their constant ''bundling'' of extra software with their OS's. This does not produce a better product. It reduces competition and lowers the quality for everyone. Please. Go back to the table. Come up with a settlement which does more than a slap on the wrist. The public already believes the Bush Whitehouse will try to make this go away quickly, but please prove us wrong. Show MS and other would-be anti-trust violators that being big doesn't make you above the law.

Thanks for listening.
Michelle Blowers
Computer Instructor
Paradise, California

MTC–00019528

From: Allan
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

W et al,

Clearly MS has abused their position of sole OS maker for the popular IBM clone platform. From way before Netscape including current acts they are not bound by US laws or moral behavior. Please punish them in a real way, not just letting them into the educational market for free.

regards,
Allan Slocum

MTC–00019529

From: dog fish
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am deeply concerned that the proposed settlement with Microsoft would not remedy their illegal monopoly. It seems that the remedies proposed would only legalize their current and past practices. This would in effect create a technological dictatorship. Very efficient in the short term, disasterous when the dictator begins to fail. We should not tie our government and economy to one companies marketing decisions.

Thank you and may God grant you wisdom,
Thomas Mahoney
306 Westwood Dr.
McMinnville TN 37110

MTC–00019530

From: Alex Mucha-Equus
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

Dear DoJ

Call this proposed settlement ''Justice''—it doesn't reflect the earlier findings of fact regarding Microsoft's conduct, doesn't punish Microsoft and further, won't stop them doing the same thing again.

They must be really laughing at you guys—you've been stooged!

Alex Mucha

(I'd suggest you read analysis in the technical press, which is understandable for the non-geek such as at www.theregister.co.uk to get some idea of what you've missed)
Equus Design Consultants Pte Ltd
8B Murray Terrace
Singapore 079522
Tel: (65) 323 2996
Fax: (65) 323 2991
www.equus-design.com

MTC–00019531

From: Jeff Kreis
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

From what I understand of the agreement reached with microsoft, I feel justice has NOT been served for me as a consumer and me as an american.

With all sincerity,
Jeff Kreis

MTC–00019532

From: John Wetherall
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 8:55pm
Subject: microsoft settlement

The monopolistic behaviour of Microsoft damages software developers and users in Australia and the rest of the world as well as in the USA. I urge you most strongly to pull this renegade company into line and force it to shed its monopoly power. For far too long the world has had to put up with second rate software (bloatware) because this company can get away with it and stiffle much better software from ever getting to the market. I hope the anti trust actions over the past 5 years are going to achieve something of significance. The last offer from Microsoft was an absolute insult to all concerned.

Yours sincerely
A/Professor John Wetherall, PhD √ Voice mail: 61–8–9266 2337

School of Biomedical Sciences √ Fax: 61–8–9266–2342
Curtin University
GPO Box U1987, Perth,
Western Australia 6845
Email: j.wetherall@exchange.curtin.edu.au
Home telephone: 61–8–9389 1918
''Inaugural School winner of Curtin University's Teaching Excellence Award''
CRICOS provider code 00301J

MTC–00019533

From: John Kesler
To: Microsoft ATR
Date: 1/23/02 8:59pm
Subject: Microsoft Settlement

Please take the time to analyze the motivations of those opposed to the ''Microsoft Settlement''.

I believe it would be a travesty of justice to allow embittered competitive forces to manipulate or influence the application of the full weight and power of the government in order to cause detriment to one of the most magnificent wealth-generating machines known to modern man. Market forces will control the likes of Microsoft in the long term.

john kesler

MTC–00019534

From: Isaac Sparrow
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Proposed Microsoft Settlement

Greetings,

I would like to voice my concern over the Justice Department's proposed settlement with Microsoft, a found monopoly. I would like to relate my personal experience with Microsoft Licensing. I work as a Software Engineer for a small company. One afternoon my boss came in with a new computer for me. An Emachine's PC with a DVD drive, CD-R, 1.5 ghz Intel Pentium IV processor and 256 MB of RAM. This computer was to replace my current machine which was obsolete (300 mhz). I was so excited. The first thing I noticed is the new machine had Microsoft Windows XP pre-installed. Since I use Linux, I wanted to return Windows XP and get the company's money back. I had already called Emachine's to see if I could transfer the license for Windows XP to another machine to use for testing our software, but I was told ''you can't do that sir ... I guess we're saving Microsoft.''. I was also told that Windows XP added no value to the computer I had anyway. Microsoft must be giving away Windows XP for free? Next, my co-worker called Microsoft directly, to see if we could get our money back or transfer the license to another computer, and instead of being helped he was immediately transfered to the Anti-Piracy division. I installed Linux anyway and now I have a copy of Windows XP that I don't use. My company had to pay for it even though we didn't want to use it and will not use it.

The proposed settlement will do nothing to prohibit Microsoft form continuing this licensing behavior and will still allow the monopoly to punish computer manufactures who would give me a choice of operating systems and software.

Thank you for your attention,

Isaac Sparrow
Staff Engineer
GnuPG Key Fingerprint:
1060 5A07 F6EC B2B3 9AAA 3EA5 7B79 EFE1 6397 4F47
Get my public key at:
http://www.concentric.net/issparow
Secrecy is the beginning of tyranny.
CC:isaac.sparrow@engineer.com@inetgw

MTC–00019535

From: William Nau
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 8:57pm
Subject: Microsoft Settlement

I was informed that this e-mail address is inviting opinion on the proposed Microsoft settlement. If that is not the case, I apologize. You may consider me to be an extremist and Microsoft hater. I won't call you wrong. I am baffled as to how the proposed settlement is any form of punishment for deeds done.

From my understanding, the proposed settlement helps Microsoft further strengthen their existing monopoly by allowing (forcing?) them to further inject their software into our schools. If I interpret the settlement correctly, Microsoft will be monitored for anti-monopolistic practices for a given period of time. If they conduct monopolistic practices during that period, the monitoring will be extended. How is that punishment?

I've watched Microsoft destroy, through their monopoly, products much more important the web browsers. They've used their monopoly to destroy word processors, spreadsheets, network diagram software, presentation software, and even operating systems. As I watch Microsoft take over other markets (embedded operating systems, embedded software, internet services, etc) with inferior products, I'm troubled. I fear the future, and lack of potential progress, if Microsoft doesn't receive discouragement for their past, present, and future acts.

Internet Explorer vs. Netscape Navigator (and tons of other, now dead, browsers) is just scratching the surface. It is their illegally obtained (my opinion) monopoly on the operating system that must be addressed. It disturbs me to try and comprehend all of the companies that have gone out of business and people that have lost their jobs, not to mention innovation lost, due to destruction of competition. In a capitalistic society, competitiveness provides innovation. That's not happening here. The monolith needs to be stopped, if not destroyed. If you're still reading, I truly thank you for your time.

William Nau
CC:nau(a)tiny.net

MTC–00019536

From: TRAVIS AUSEN
To: Microsoft ATR
Date: 1/23/02 8:57pm
Subject: Microsoft Settlement

To whom it may consern, In my opinion, the DoJ of this country have done the American people and now provide the rest of the world a monumental injustice that will never be matched. You not only have proved to the American people an the rest of those that watched that corporations can buy and sell justice. Your faithful and very disapointed provider.

Travis A. Ausen

MTC–00019537

From: itsmitch
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

Hello,

I just want to add my 2 cents. Please do not settle with MS as proposed. I resent the fact that MS was found guilty of operating a monopoly and your settlement agreement appears as less than a deterrent than an endorsement of those actions. If Microsoft spent more time/money on building secure and stable software they may have won the ''browser wars'' on their own merits (at least before the breakup of the Bell phone monopoly we could at least claim we had the best damn phone service in the entire world).

Lets not reward them by giving them the last 10% of the operating system market share to them with the obscene offer to provide software to our public schools! How much does a few thousand copies of cd's cost them to manufacture! The R and D has already been paid for and profits returned using their illegal methods! And has anyone checked the price of used computers lately?!! Please wake up and represent yourselves as the Winner, Not Loser, in the settlement process. My Tax dollars are willing to be used in a Fair settlement. Don't allow this travesty to continue.

Mitch Edington

MTC–00019538

From: Erik
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

When I heard about the Proposed Microsoft Settlement, I had one question: How much did Bill pay the DOJ?

I understand the situation is a little more complex than that, but as a citizen of the United States, I hoped the government would protect my interests in the Microsoft case.

Your proposed settlement totally fails to protect the interests of the customers.

MTC–00019539

From: Joe Howard
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

I would like to take this opportunity to voice my opinion on the Microsoft Anti-trust case. I feel that Microsoft's actions have harmed not only competitors but more so, consumers. It is a tragedy that the pro-business stance of many in this country allows consumers to be hurt by high prices, less competition, and in my opinion, inferior products. In addition I feel that the proposed settlements do almost nothing to end Microsoft's predatory practices by allowing Microsoft to side step any attempt at regulation. The proposed settlements also do nothing to punish Microsoft for its past misdeeds and repeated law breaking. Personally I feel that the only effective solutions would be those that are able to neutralize Microsoft's monopolies to foster competition and true innovation in the computer industry. If not, I fear that the current economic state of the computer

industry and the lack of innovative products will continue for a long, long time. Please don't let my fears become reality by giving Microsoft yet another slap on the wrist. Joe Howard Puyallup, WA Student Programmer—University of Puget Sound

MTC–00019540

From: josephsi@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:01pm
Subject: Microsoft Settlement

The purposed settlement is terrible idea

MTC–00019541

From: Sean McKenna
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

As a computer professional with over 20 years experience I feel compelled to make my opinion known. The proposed DOJ settlement is not good for computer professionals, the software business or the public. There are many public postings available which detail the reasons why this is so much more persuasively than I am able in this email. I wish merely to add my voice to the multitude crying out to see justice done and a return to fair play in the field.

Yours sincerely,
Sean McKenna

MTC–00019542

From: Katie Allsbrow
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: The settlement with Microsoft is horrible. The settlement with Microsoft is horrible.

MTC–00019543

From: David Forster
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is fails to properly address the situation. Microsoft should be forced to clearly and publicly document ALL of it's APIs.

David Forster

MTC–00019544

From: Anthony Ross
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

The settlement between the US Justice Department and Microsoft seems unlikely to succeed in restraining the predatory behavior of Microsoft. That the settlement was reached during the Bush administration appears to further tarnish their reputation and the reputation of the Republican Party with respect to holding corporations and political contributors to acceptable standards of justice and conduct. I work in the tech industry, and I hope the Bush appointees to the Justice Department realize that they haven't impressed very many people in this part of the demographic. Wonder how the next election will go?

Anthony Ross

MTC–00019545

From: James Glidewell
To: Microsoft ATR
Date: 1/23/02 9:04pm
Subject: Microsoft Settlement

As a computing professional, with 20 years experience as a programmer and system administrator, I believe that the proposed settlement is completely inadequate in that it fails to adequately address a number of factors which the findings of fact listed.

A single example will have to suffice: there is no requirement for Microsoft to publish the file format specification for data files generated by their Office products.

Microsoft has long used the proprietary nature of these file formats to force large enterprises to choose MS Word or Excel, rather than other competitors, since it was deemed essential that any word processor or spreadsheet be able to read Word or Excel files, which other software vendors were forced to painstaking reverse-engineer, a process which could take months to years.

This is but one of the potent tools Microsoft has used over the years to leverage a dominant position into a truly monopolistic one.

I do not believe that the proposed settlement meets the letter of the law—that a proposed settlement will *ensure* that the monopoly will be *unable* to again exert its monopoly. By such a standard, the proposed settlement is completely inadequate.

Thank you.
James B Glidewell
6324 18 Ave NE
Seattle WA 98115

MTC–00019546

From: cathyy@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/23/02 9:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Remember that these transgressions took place while already under a previous DOJ compliance order. All new measures must have ''teeth'' to have a chance of being effective against the monopoly-exploiting long-term strategic policy of Microsoft Corporation. Microsoft will only comply with any sanctions that are absolutely explicit with serious penalties.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well- intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Catherine Gramze

MTC–00019547

From: Leonard N Small
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement. It would, effectively, reward Microsoft by seeding one of the few markets they don't already own with their own software. This is not a punishment to them for their illegal practices. It is something they would dearly love to do on their own. The concept of funding underprivileged schools is a good one, but only if Microsoft's contribution is in hardware only. The software should come from the open source community. This would insure that future upgrades to the software could be made at a minimal cost, and would not lock the schools into the current costly Microsoft upgrade treadmill. Having had to pay for unwanted MS operating systems preloaded on PCs, only to have to wipe it out to install my preferred software, I think it's wrong to reward MS for what has been found in a court of law to be illegal practices.

Len Small
Insmall@fast.net

MTC–00019548

From: Tim Monaghan
To: Microsoft ATR
Date: 1/23/02 9:04pm
Subject: Microsoft Settlement

To whom it may concern,

If someone steals my wallet, and is brought to trial, I get my wallet back regardless of the verdict. If that person is convicted, they are subject to some sort of penalty. It punishes them for the past misdeed, and hopefully deters them from commiting the same crime again.

Microsoft is GUILTY, and all you propose is to try to give me my wallet back. Microsoft entered into a conduct remedy agreement before. They broke it without hesitation, without regret, and most importantly—without consequence.

Your current settlement proposal will do nothing to address Microsft's past violations of the law, and will not provide any significant deterence against future antitrust violations. They are a monopoly, and they remain a monopoly.

Are you serving the interests of the people of this country, or simply paying back a promise made by President Bush when he visited Microsoft's headaurters in the summer of 1999?

Regards,
Timothy Monaghan
North Andover, Massachusetts

MTC–00019549

From: Guybrush
To: Microsoft ATR
Date: 1/23/02 9:06pm

Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

—Jeff Osborn

MTC–00019550

From: GLHGLHGLH@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

The settlement is letting Microsoft off. Their programs are horrible and their prices are monopolistic. You have to buy updates to your OS so it does what is was supposed to off the shelf. Break them up!

MTC–00019551

From: Oliver King-Smith
To: Microsoft ATR
Date: 1/23/02 9:05pm
Subject: Microsoft Settlement

To whom it may concern:

As I understand it, I can submit comments on the proposed settlement of the Microsoft Anti Trust case. I am certainly no lawyer, but I want to tell you how I see things as a software professional. I find the proposed settlement next to useless, and the government should pursue much stiffer penalties including fines and breaking the company up.

I used to be a VP at Broderbund, which at the time was the largest consumer software company. During my tenure, there were two occasions where people approached me, about new product ideas. The ideas were original and creative. Our analysis revealed if the products were successful Microsoft would release a similar product either into Windows or Microsoft Office. At that stage the market would wither and make the product uneconomical. Needless to say we dropped the ideas fast. I am sure this happened many more times, as I was not the official channel through which product ideas passed.

Microsoft's reaction to bundling the feature into an existing product is not rational from a shareholder point of view if the market is competitive. Why ''give'' away a feature that users are prepared to buy? They are not adding new users, as the product requires Windows or Office to run in the first place. The only reasonable explanation is they want to strongly discourage any company from challenging their core monopoly status which generates amazing profits. They use these profits to attack new markets.

IE is a good example. Microsoft probably spent $50–100 million a year on developing it. Innovation came fast as it competed with Netscape. But they apparently did this with no intention to make revenue? The only explanation is they were worried that Windows might be challenged. Now the browser market is dead. No one will pay for a browser, because even if a new clever one comes along, Microsoft will respond and provide it for free sooner or later.

As a result to the sad list of companies that have been smashed by Microsoft, (DrDOS, Stacker, ...) they have intimidated other companies from eve n launching new products in their core space. The argument that consumers are winning is false. They have lost because the innovation and quality a competitive market space would bring in operating systems, word processors, and spreadsheets is now gone. No rational company will challenge Microsoft there. So the consumer won for a few years, but must now pay a heavy price.

The software industry is different from traditional service and manufacturing companies. These companies tend to lose efficiency after reaching a certain size. This helps keep the market in balance, and allows mid-tier companies to challenge the leaders as markets shift. Software suffers few negative side effects from scale, and has the added advantage of having ''network'' effects built in.

In short Microsoft holds a unique position. Companies fear to challenge it in the revenue generation areas (Windows and Office) and likewise they give away products like IE to dominate new markets. Once challengers have been stamped out, they raise prices (such as the new 1 year licensing scheme) and use the massive profits to attack new markets. Market forces seem incapable of stopping this.

I believe a breakup, while drastic, would be beneficial to both the industry and Microsoft shareholders. Both entities would struggle to generate revenue, with Office frantically trying to push people off Windows, and the Windows group struggling to pull people from Office. Consumers would win as a burst of innovation floods the shrink wrap market space (when was the last time you saw a really new software product for your PC at CompUSA). Shareholders would gain as both companies would see revenues rise as they move to a more a la cart pricing structure.

Oliver King-Smith
President
Tescina, Inc.
510–713–8001

MTC–00019552

From: Tom Smith
To: Microsoft ATR
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

It is obvious to me that the decision by AOL to sue Microsoft for damages on its competitive loss in the browser market, is an attempt to regain revenue that it could not achieve in the marketplace. The Netscape model was based on an assumption that it could charge $50.00 a year, in perpetuity, to everyone in the world who needed a tool to browse to Internet.

Most people don't know that the Mosaic browser was developed at public expense, and is the software that both Netscape and the Microsoft Internet Explorer are based.

I have no sympathy with complaints of the old Netscape company, and even less with the current suit by AOL.

Thomas E. Smith
PO Box 4854
Hagatna, GU
USA

MTC–00019553

From: Sam Cramer
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I am writing to object to the proposed Microsoft settlement. As a practicing software engineer with approximately 20 years of experience, I feel confident in saying that the proposed settlement will do little to weaken Microsoft's illegal stranglehold on the desktop computer operating system and office suite market. Indeed, it appears that it will allow them to extend this monopoly to the developing ''Web Services'' market. As long as Microsoft has the right to change APIs and publish them in full at the same time that they are changed, they will always be able to build proprietary systems which can not be emulated by competitors. By narrowly defining the terms ''API'' and ''Microsoft Middleware'', the proposed settlement leaves Microsoft clear to change these APIs and keep them proprietary. No wonder the company is so strongly in favor of the proposed settlement!

Sincerely,
Sam Cramer
996 Warwick Court
Sunnyvale, CA 94087
cramer@netapp.com

PS: The opinions expressed in this message are mine, and not necessarily those of my employer.

CC:cramer@netapp.com@inetgw

MTC–00019554

From: Jeff Mullen
To: Microsoft ATR
Date: 1/23/02 9:13pm
Subject: Microsoft Settlement

Having read of the proposed punitive phase of the Microsoft Antitrust Case, I find it totally inadequate. What is proposed is little more than another advertising venue for Microsoft. It is woefully inadequate.

Brokered by the Bush Administration, this deal is a typical example of the depths to which modern conservatism has sunk. The regime is well-known for selling out to corporate contributors, so it comes as no surprise that they would not just let Microsoft off with a slap on the wrist, but actually come up with a ''punishment'' that actually helps the company in question to INCREASE its monopoly.

Give us a REAL settlement.
Jeff Mullen

MTC–00019555

From: Darrell Rudmann
To: Microsoft ATR
Date: 1/23/02 9:15pm
Subject: Microsoft Settlement

Dear Judge Colleen Kollar-Kotelly,

Thank you for the opportunity to write to you about the proposed Microsoft settlement; I see this as a good opportunity for ordinary folks, like myself, to have some input about a federal process such as this one. The events of the past year remind me that the uniqueness of this offer is very American in nature.

In much the same manner, this ongoing court battle between Microsoft and others seems to cast light on what it is to be a business in America. What values do we Americans place, via our laws, on how businesses can behave, and when they have been shown to not behave properly, what measures do we take to make corrective action?

I am not an expert on law or on the computer industry. I rely on my desktop computer to carry out jobs related to my professional life as graduate student becoming a social science researcher, such as making statistical analyses, writing papers, and some light programming for running experiments. I can only speak to the proposed settlement by stating some observations I have seen in my personal experience with computers: First, all of my fellow students and my professors use Microsoft Word by default. This overwhelmingly implies that they are using Microsoft Windows as well. When I exchange documents with other people, they assume it will be in a Word format. Second, the university I study at, the community college I part-time teach for, and most social science journals accept and prefer to accept Microsoft Word files for online paper submission. This wasn't once the case. Only about six years ago, whenever people arrange to exchange a file, there was some discussion about what format would work and what wouldn't. But not now. While this sounds like an improvement, like a kind of standardization that would help people work more easily, there have been two clear downsides. The Word format is proprietary; that is, only employees of Microsoft knows what makes up the format for a Word document. So as a standard proprietary format, Microsoft now has a level of control over both the document format and the applications that can be used to access it reliably, at least in the social sciences and likely most of academia. This seems to be the pattern in many computing corners.

Committing what has been found to be illegal activity, Microsoft's behavior is a serious violation of American values and business ethics. This violation was so large in scale and pervasive, that the legal response cannot be simple or it will be ineffective as a result.

I believe the settlement offer to be too weak. I don't have the expertise to say what would consitute more appropriate restitution, but I suspect that a settlement that would encourage a freedom of choice for consumers would go a long way.

Best regards with your ruling,
Darrell Rudmann
/* Darrell Rudmann, rudmann@uiuc.edu
Human Perception and Performance
Beckman Institute, 405 N Mathews Ave
University of Illinois, Urbana, Illinois 61801
Office (217) 244–1926 o Fax (217) 244–837
http://www.uiuc.edu/ph/www/rudmann

MTC–00019556

From: Joseph Henry
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

I am not a lawyer so you'll have to explain to me how forcing Microsoft to donate $1 billion in Windows computers, Windows operating systems and Windows applications, to schools (historically an Apple stronghold) is any kind of a punishment. What will happen is that cash strapped schools will look at this $1 billion windfall and forgo even a look at Microsofts only legit rival, Apple computers. This settlement actually does the exact opposite of what it is intended to do. It doesn't punish Microsofts monopolistic and unfair trade practices, it rewards it by giving it market share that it traditionally never had. Good job DOJ! You guys are geniuses. It just goes to show that if you have enough cash anything, including justice, is for sale in America.

Joseph Henry
604 Riverside Ave. Apt. 2
Park Rapids, MN 56470
218–732–7664
jchenry@unitelc.com

MTC–00019557

From: Spike Kingsley
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I think that the settlement is terrible. Nothing but a slap on the wrist that will end up helping the monopoly more that controlling it. Microsoft has been screwing users, inventors, and small businesses for years all under the banner of ''helping the consumer''. I am tired of this lie.

Donaldson Kingsley III

MTC–00019558

From: Gary W. Shawver
To: Microsoft ATR
Date: 1/23/02 9:08pm
Subject: Microsoft Settlement

Dear Department of Justice,

I want you to know that the settlement proposed by DOJ in the Microsoft anti-trust case is completely inadequate. It does not punish Microsoft for its past bad behavior, nor does it ensure that Microsoft will not misbehave in the future. My two suggestions for improving a rather weak settlement is that no Microsoft employee should be part of the three-member enforcement committee and that non-profit, open-source software makers should get the same protections under the settlement as commercial software manufacturers.

Sincerely,
Gary W. Shawver

MTC–00019559

From: Steve Stone
To: Microsoft ATR
Date: 1/23/02 9:08pm
Subject: Microsoft Settlement

To whom it may concern,

As a citizen and a knowledgable computer professional, is both my right and responsibility to comment on the proposed settlement in the Microsoft antitrust case. The proposed settlement is wholely unsatisfying.

First, the settlement's contents fail to punish or repair the damages, if that were even possible, caused by Microsofts years of abuse and ilegal conduct. It seems not to even attempt any punative or reparative measures. This is unacceptable.

Second, the settlement's attempts to prevent further abuses, while laudable in purpose, are woefully inadequate. First of all, it essentially lists a prohibition of specific future actions. These prohibitted future actions are at best too limited, and at worst very ill defined. Microsoft has proved deft in the past at slipping along the narrow edge of legality, often finding loopholes in laws that were constructed too weakly or find themselves too out of date to really fit the regulation of a software company.

Many of the loopholes are so obvious that it is clear even now how Microsoft will navigate them. The combination of these factors leads to one inevitable conclusion. Microsoft WILL continue to act anticompetitively. It is obvious first of all because no serious impediments have been placed in there way.

Second of all, even if serious steps were taken to limit Microsoft's ability to act anticompetitively, they would disregard the law, as they have in the past. By failing to adequately punish Microsoft's prior transgressions, the justice system has delivered them the message that they can act in blatant disregard to the law and the public interest without reprisal.

It is also important to consider how this affects the national public good. The arguments to the affect that Microsoft's stranglehold on various sectors of the software market impede general progress have been stated so many times that may seem to lose meaning, but they are nonetheless valid and important.

It also goes without saying that it is in the public interest for the justice system to present the image of dealing justice. It is necessary to be seen punishing wrong-doers and helping the victimized. Any time that the justice system is seen publicly failing to deal fair justice, it damages the nation.

One other point of extremely important note is the impact of this settlement on the nation's critical infrastructure. For obvious reasons, the nation has taken an interest in protecting such vital technological infrastructure as the roads, the railroads, seaports and airports, the electric power grid, the phone system, and, recently, the internet. One of the most frightening abilities that Microsoft posesses, and has demonstrated, is the ability to use its influence over one market to gain control of another only loosely related market. Currently many of Microsoft's very flawed technologies are spreading like a

cancer into the internet. Recent events have showed an alarming potential for damage to the internet by such a trend. One rogue computer could never hope to bring the internet to its knees, to do such a thing would require a massive coordinated attack from such a large number of computers as to represent a significant fraction of the internet as a whole. Microsoft's software is and always has been weak and insecure. The potential damage that could be caused by a massive attack from countless compromised Microsoft Windows computers is horrifying.

Take, for example, the recent CodeRed2 virus. This virus was designed to attack a weakness in Microsoft web servers and, after siezing control of the host computer, launch the attack again from the victimized computer.

Fortunately, any computer not running a microsoft webserver was imune to such an attack. Imagine, however, that the virus had been made not to only re-attack Microsoft web servers, but rather to have halted the internet as a whole. As I stated before, it is possible for an extremely large number of computers working in concert to effectively hold the internet hostage. Can you imagine if a relatively simple but malignant virus, using every windows computer on the internet as its base of attack, litteraly stopped the internet? Allowing Microsoft to leverage control of the pc market to gain market control of the internet as a whole would be a disaster to our nation's critical infrastructure. It is also one of Microsoft's current strategic goals. We cannot allow them to achieve it.

In summary, the judgement must be more punative, and the judgement must do a better job of preventing Microsoft's continued trampling of fair business tactics.

Steven Stone
Lead Technical Architect
AthenaHealth, Inc.

MTC–00019560

From: Czeekh
To: Microsoft ATR
Date: 1/23/02 9:09pm
Subject: Microsoft Settlement

Greetings,

I realize that you must be getting many e-mails on the subject of the MS settlement, but please read this. Unlike many that have likely e-mailed you, I not a professional. I am instead part of America's youth. You may think that the MS decision will only affect the Computer Industry, but it will also affect the future of everyone who uses a PC. I have some experience with Linux (an open source alternative to the Windows operating system) and I have found it to be equal to Windows, if not better. If you allow MS to get off with a ''slap on the wrist'' they may very well demolish such operating systems as Linux. If you really want to stop MS's monopoly, you won't let them get off so easily. This is because if they do they will have more money and resources to drive competitors such as Apple, Linux, and UNIX. The future of the world may be sealed in your decision. Everyone could end up having to use Windows, for everything. The reason that I don't care for Windows is that it is incredibly ''buggy'' and in many cases technically inferior to competitors.

Let me give you an example of what MS's Windows ME (Millennium Edition) did to one of my teachers: My teacher was at home, using MS Word (note that it was an MS program) and suddenly his computer locked up for unknown reasons. He tried everything that he knew to do and couldn't get the computer to return to normal. As a result, he restarted his computer. When he did, his computer said that it needed to run a Scandisk (I am sure you have seen that). He let it run. It took two hours to run the Scandisk, it normally takes between one and two minutes. Windows had reformatted his hard disk drive. All of his data was lost, everything. He had done nothing wrong, and the program that he was running when it locked up was a program made by MS itself. This is why I say Windows is inferior.

Now, do you want this program to be what people are suck with FOREVER. I know that MS will always have competitors, but letting them ''off the hook'' will simply allow them more money to destroy their competitors. Is that the American Way? Are we so dependent on ''Social Darwinism'' that we can allow this to happen? Are you? Remember that people like me and others of America's future will be deeply affected by your decision. Computer's are the future, but one single operating system is not. Thank you very much for taking time to read this.

Sincerely,
Eric Fisher
Manilla, Indiana

MTC–00019561

From: Dennis Thompson
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To Whom It may concern, I object to the proposed settlement in 4 primary areas.

1) The agreement provides to little in the way of punishment for past misdeeds.

2) The oversight of Microsoft's future behavior is weak in enforcement powers and too limited in scope.

3) Microsoft is given broad discretion in asserting intellectual property claims to exclude information about file formats and communication interfaces.

4) The agreement appears to be specific drafted to allow Microsoft many opportunities to exclude members of the free software movement. To quote Ralph Nades open letter ''under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business '' Microsoft has repeatedly stated that it considers programers like the SAMBA and LINUX kernel programers ''a cancer'' Which I belive they intend to include as a ''non-viable business'' Microsoft is still practicing exclusionary tactics.

Thank You
Dennis Thompson

MTC–00019562

From: Noah Payton
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe the The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft, among other issues. I find the tremendously limited scope of this settlement to be an affront to the purpose of the laws that have been violated.

Sincerely,
Noah Payton

MTC–00019563

From: David Rupilius
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

Under the Tunney Act I wish to comment on the proposed Microsoft settlement.

In my opinion the Proposed Final Judgment, as written, allows and encourages significant anti-competitive practices to continue. I believe that it therefore is not in the public interest, and should not be adopted without substantial revision to address these problems. Specifically, no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the ''Applications Barrier to Entry'', as described in the Court's Findings of Fact.

Sincerely,
David K. Rupilius, Germany, Systems Engineer
(U.S. citizen)

MTC–00019564

From: parny
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It gives Microsoft too much liberty to continue its current tactics and practices. Also the enforcement body is weak and I know Microsoft will get its way like it has in the past. I have been looking to buy a laptop and none of the big companies sell one without a version of Windows. I assume that this is because of the bully tactics it plays with OEM's. Microsoft needs restrictions on it to cultivate a healthy software business environment. I am tired of paying premium prices for mediocre software. Open source exceeds Microsoft in many instances. The sad thing is security is one of them.

Curtis Lunt

MTC–00019565

From: Vincent Meyer, MD
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

Hello,

This settlement is a bad idea. It does not address in any meaningful way Microsoft's stranglehold on the industry..

Vincent Meyer, MD
Naperville, IL

MTC–00019566

From: Michael Wharton
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To whom this may concern,

It is a serious concern of mine when it becomes apparent that the government, in its ever-vigilant quest to abrogate individual rights, targets the good for being the good. Whatever the flaws in Microsoft's Windows operating system, it has given me the tools to enrich my life beyond what I could have conceived without it. I have seen it demonstrated time and time again as being the superior product on the market, superior in terms of user-friendliness and ease of adaptability.

I shall like to say that I utterly resent the idea that I am being characterized as some kind of victim, in the sense of being exploited by Microsoft. I refuse to accept that you are speaking for me. I am the public that you are portraying as helpless. I am the consumer that you portray as not sufficiently intelligent enough to decide how to spend the money I have earned. I do not believe it is the government's place to tell me on what products to spend my money. That is exactly what the government is doing in its persecution of Microsoft.

For the sake of honesty, please do not continue your disingenuous rant that by assaulting Microsoft you are protecting me, the consumer. You are not. This whole thing started because some of Microsoft's weaker competitors saw that they could not match Microsoft's quality and decided they could only flourish if Microsoft was put under the gun. The Antitrust Division has filled that request remarkably. As a matter of principle I do not believe that failed business ventures such as the above mentioned competitors should determine the rules by which markets are run. I hold that the idea of a successful business being a threat in any context to me personally or to the marketplace in general is a ludicrous assertion that could only come from some dusty Marx-infected professor or intellectual. It is a matter of historical fact that when a government intervenes in the economy, the eventual downfall of that economy is the result. In no state, past or present, can there be seen an exception to this. When that intervention takes the shape of an axe poised to cut down the ultra-successful, I ask you, what could possibly be the desired result?

There is a disturbing trend in this country, one that's been present for most of the last century. That trend is the abrogation of property rights. The products and services produced by Microsoft are their property. They have the right to make and distribute it as they see fit. In no proper sense of the concept ''property'' is there an iota of justification for the government to be interfering here; in a wider context, that goes for every area of economic endeavor.

Please stop your persecution of Microsoft. It is a totally unjustified and unjustifiable act of treason against the founding principles of this great nation.

Sincerely,

Michael S. Wharton

MTC–00019567

From: mwebb-efn
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

re: public comment on Microsoft settlement:

from: a computer/internet user

The proposed is so inadequate that the word ''farce'' would apply were it not a tragedy.

sincerely,

Michael Webb

MTC–00019568

From: E Manes
To: Microsoft ATR
Date: 1/23/02 9:11 pm
Subject: Microsoft Settlement

To whom it may concern,

I'm writing to you as I was informed that I could express my feelings about the Microsoft (MS) anti-trust suit. I have been a user of MS products all of my computing life which means since 1992. I have seen the development of Windows 2, Windows 3.0, Windows 3.1, Windows 3.11, Windows 95, Windows 95 SR-2, Windows 98, Windows 98 SR-1, Windows 98 Second Edition, Windows Millenium, Windows 2000, and now Windows XP. There is one common theme that I have seen over the many years of development.

Microsoft will incorporate the features of a popularly used existing product into their future operating system. I have seen this behavior occurring increasingly more now than in previous years and it is incredibly obvious that those that founded the technologies are left to struggle in a hostile environment. I will list examples:

Netscape: Enough said !! Actually, no it wasn't. MS developed a decent browser in Internet Explorer (IE) when they adhered to the world wide web consortium's outlines. They packed IE with their OS and people no longer needed to download Netscape (an inconvenience but proper since they were the ones that fathered the idea and developed it). It wasn't until they integrated it with their OS and then lied about the OS's dependence that it became obvious that there was something wrong about the way that they did business. They then created software packages that created webpages in such a manner that they would not be viewed properly to those using Netscape so people are forced into using IE. The VERY SAD part with all this is that Netscape continues to develop with the ideals of the world wide web consortium ideals and have lost any chance of making a comeback. They continue to develop a software package that adhere's stictly to the publicly available consortium outlines. Their web-page creation program continues to create web pages that can be read and interpreted properly by ANY browser unlike Microsoft Frontpage.

MSN Messenger: AOL created a great program that allowed people to communicate with each other over the internet. Microsoft decided to create their own version that conflicted with AOL buddies. This left people in either camp stranded. It got to the point where they were hacking each others code to enable functionality. Microsoft then added this software to Windows Millenium as an option where the user could disable it easily enough. Windows XP throws MSN Messenger in your face every chance it gets and won't stop nagging no matter how many times it is told to buzz off. I'm not sympathetic to either of the software packages but I have noticed the frustrations of users of either software package. It is easy enough to download AOL IM and install it but I'm sure that there will be conflicts with MSN Messenger while it continues to pop up uninvited. This will leave people with a frustrated view of AOL's IM and I'm sure over time they will switch to MSN Messenger. I strongly believe that this is NOT a necessity of the OS and should be left out. The user should be allowed to install the software of their choice. ZIP Utility: Microsoft has now (as of Windows XP) included a zipping utility as part of their OS. In the past users would typically download a shareware software package to perform these same operations. This will limit the number of people that download a developed piece of software. It is unfortunate that Microsoft is allowed to incorporate whatever piece of software that they would like and package it with their OS. I feel for these software developers that poured countless hours of programming time into their software just to see the technology incorporated into MS's OS. This does not create a competitive environment and limits the creativity of programmers.

Media Player: Real Player was the dominant player in streaming media and really developed this area. Microsoft then created their version of streaming video and at first it would not play Real media streams. I'm not so sure these days but you can bet that if it does now that it will be dropped later once MS takes a majority share of the market. There was a point where Real Audio was the definitive answer to video streaming and no longer is. This is very similar to what happened to Netscape.

MS is currently up to their old tricks with MP3 files. MP3 flies have been popularly used for about 7 years and MS saw this and created their own compression algorithm and I'll argue that although their compression size IS smaller, the quality is not their. Anyhow, MS then decided that their most recent Media Player would NOT play or create MP3s. They claimed that this was due to legal concerns but I don't believe it for a minute as there is technology available to prevent this from occurring. Fortunately, the market demanded that they incorporate MP3s and so they did BUT the algorithm is crippled and thus creates very poor MP3 files. This will force people to add another piece of software to their computer OR choose the simpler route which is just use MS's WMA format. Video Editing: Since video editing has become so popular, MS has incorporated a video editing package into their software suite when there are a variety of inexpensive suites that come with any video recorder purchased. I can't see a reason why MS has to include their own as a default. Their editor is basic and there is still currently reason to purchase a professional suite but it will only be a matter of time until MS improves their offering resulting in another market of software disappearing. It already eclipses the market for those that created an entry level package, which were included with the video recorders. That market has all but disappeared. CD-Burning: Microsoft has included with Windows XP their own CD burning software algorithm.

Again, there are 4 big companies that provide this availability at a nominal cost but most users won't bother due to convenience and so these companies will eventually reduce in number.

Interesting Note: Microsoft sells their Office Suite for over $450 which includes MS Word, MS Excel, MS Access, MS Outlook Express, MS Powerpoint. They also sell a suite to the home user for $100 that includes MS Word, a watered down version of MS Excel, a watered down version of MS Access, Microsoft Money, Microsoft Picture it Publishing, Microsoft Encarta, and Microsoft Trips & Streets. The home version of the suite is valued well over $350 if purchased separately. Why do you think that this might be? This gives the home user no reason to investigate a financial management package, a photo-editing package, an encyclopedia package, or a trip planning package. This is further proof of their improper business tactics. They are selling the software at a sub-market prices to increase market share. This will get people to continue purchasing MS software as they will run into file compatibility problems if they try to use another package.

The file compatibility problems are due to the fact that MS does not release the details of how their software works to the programming community. They have the consumer any which way that you look at it.

I could could continue to list other occurrences but I must get back to my studies. I really hope that someone looks at this note and reads it in it's entirety.

Summary: Microsoft's strategy seems to be that they will incorporate (copy) a technology to the point where users are comfortable with using it but then they make it proprietary such that you are forced to continue using only their package. I have seen this with their media player, zipping utility, Internet Explorer, Outlook Express, MSN Messenger. I find it incredibly hard to believe that these smaller software companies manage to adhere to some standard and that their files are properly read and used by other problems but that MS cannot. I believe that this is intentional as I have seen it work flawlessly with other software packages. Microsoft claims that they are doing this to give the user a greater out-of-box experience. Don't believe it !! Nine times out of ten their technology is subpar but people use it because it is convenient.

My solution would be to either, 1) Force MS to remove all of their incorporated programs and make them available for installing ALONG with the available packages. Let the user choose which software package they prefer. It's difficult to fathom that this would be more costly to MS than their current package. I also believe that this should be overshadowed by a 3rd party committee and that MS should be fined grossly for each violation of the INTENTION of the organization.

2) Release their source code to the programming community so that they have a chance to promote their products without already being crippled by the compatibility issues due to the MS closed-nature of their code. I would expect that about 85% of users are concerned about file compatibility when considering an alternative software package.

For the life of me, I can't possibly believe that those that are responsible for coming to a decision on this matter could see it any other way. Microsoft has and continues (more than ever now) to stifle creativity and development of programs with their prominence. As a user of their products for many years I can recognize the trend. I'm not sure that those involved in the case have the same lengthy experience with MS software or have been able to work with the MS OS offerings through the years, such as I have.

Microsoft is doing the OPPOSITE of reducing their shady business practices. I see a marked increase in their Windows XP and this is WITH an anti-trust trial under way. Warning: MS has been known to unethically influence polls and e-mails by creating a software program that votes FOR MS so please examine your PRO MS e-mails along with your ANTI MS e-mails to ensure reliability.

MTC–00019569

From: Sam Wynn Jr.
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

the proposed settlement is too limited in scope and can be too easily outmoded/outdated with respect to technology and/or software revisioning this ''final judgment'' is not in the best interest of consumers

MTC–00019570

From: Dixon Teter
To: Microsoft ATR
Date: 1/23/02 9:05pm
Subject: Microsoft Settlement
1/23/02
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

I type this on a system using Windows 2000 and in the Microsoft Word processing program. I have just picked up my e-mail and shopped via the Internet using Microsoft's Internet Explorer and Outlook Express. Why Microsoft? Because they are for my money the best products I can buy. Microsoft products save me time and money. I was not forced to use Microsoft's products. There were and are other choices. I looked at other competing brands. I chose Microsoft for value.

Microsoft is a shining example of the ''American'' success story. A self-made man makes brilliant products and becomes wealthy IS the American way. It is only possible under a free American system where government protects the fundamental right to private property.

The suit against Microsoft reverses that by attempting to forcibly seize Microsoft's property. This suit seeks to allow failing businesses that could not compete in the marketplace to use ''pull'' bought under the guise of campaign contributions to bring down a more successful business. The antitrust laws are nothing more than means for poor competitors to seek the ruin of their betters and as such are an ever present threat to freedom. Antitrust laws are the result of corruption and bring economic ruin. There are examples of this around the world. The suit against IBM is a classic example of woeful wrong that was a tremendous waste of the taxpayers money and an enormous drain on the resources of a great company which could have been put to better use.

What would we have now if Microsoft had not had to waste hundreds of millions of dollars on this wrongful suit? Quite simply—ever more and even better products and services. Great businesses and those who found them are the very heart and soul of the United States. They must be protected, not attacked. They should be praised not damned. They must be free to compete then we, the American consumer wins.

Sincerely,
Dixon Teter, Ph.D.
CC:activism@moraldefense.com@inetgw,letters@capitalis.

MTC–00019571

From: Jonathan Johnson
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

Please hurry up and settle the case. I don't think it is in anyone's best interest to continue.

Thank you,
Jonathan Johnson

MTC–00019572

From: root
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

My wife and I both agree that the proposed settlement is not in the best interest of the United States.

Paul S. & Germiane K. Mitchell
3564 Union Shool Road
Chester,Il. 62233

MTC–00019573

From: Gabriel Morales
To: Microsoft ATR
Date: 1/23/02 9:16pm
Subject: Microsoft Settlement

Dear Department of Justice,

I have read the Proposed Final Judgment for the Microsoft Antitrust trial, and I believe that it is best characterized by the phrase ''too little too late''. I am not a legal expert, but all this proposal seems to be saying to Microsoft is ''Hey, don't do this again.'' Where is the ''justice'' in this? What of all the damage Microsoft has done to the competition? Please don't let Microsoft get away with a slap on the wrist! It is not simply a matter of punishment, but rather a matter of assurance that Microsoft will not continue to threaten freedom in the industry and dominate the market through illegal, unethical and uncompetitive ways.

I favor a split up of Microsoft, as proposed earlier. Only splitting up Microsoft into at least three or four companies could a assure the breakup of this illegal monopoly. But, I do not believe that the current proposal is sufficient and as a concerned citizen, I am not happy with it and I am asking you to reconsider.

Gabriel Morales

MTC–00019574

From: Scott Turner
To: Microsoft ATR
Date: 1/23/02 9:17pm

Subject: Microsoft Settlement

I am a software developer with 20 years'' experience, currently supporting a product which operates in several environments, including Microsoft and Unix operating systems.

The proposed Final Judgment (PFJ) is unsatisfactory in a number of ways. Particularly troubling are the large number of exceptions to its enforcement provisions, which appear likely to block needed remedies. Given Microsoft's existing monopoly, aggressive business tactics, and past violation of antitrust laws, a proper remedy would provide more than enforcement of just the provisions which Microsoft was found to violate in the past. Yet part III (Prohibited Conduct) deals primarily with those past practices, in an industry which is steadily changing in ways shaped by Microsoft itself. In this context, I note the provisions of IV.A.3 and IV.B.9 which hobble the Plaintiffs and the TC so that, should the Plaintiffs receive information as a result of the PFJ of further violations of antitrust laws which happen to be beyond the scope part III, the information cannot be disclosed.

This appears to lend Microsoft some real protection from prosecution by the U.S. DOJ for future antitrust violations. The open standards which lubricate the software industry (for example, HTML) have been increasingly usurped by the tactics of powerful corporations such as Microsoft. This is the environment in which I work, and seek to develop useful products. The case against Microsoft held the hope of cleaning up this business environment, but the proposed Final Judgment is not up to the task.

Prescott K. Turner, Jr.
13 Burning Tree Rd.
Natick, MA 01760
p.turner@computer.org
—
Scott Turner
p.turner@computer.org http://www.billygoat.org/pkturner

MTC–00019575

From: gcharles
To: Microsoft ATR
Date: 1/23/02 9:17pm
Subject: Microsoft Settlement
To: Dept. of Justice
Subject: Microsoft Settlement Comments

I am writing to voice my objections to the proposed settlement. I do not think that this settlement in any way punishes Microsoft for having blatantly abused monopoly power, or for disregarding the provisions of the previous agreement with the federal government. I have several issues with the currently proposed settlement:

The agreement fails to provide any penalty for Microsoft's past actions. This appears to show that Microsoft is beyond punishment because of its extraordinary political and economic power. What antitrust? With over 90 percent of the desktop operating system share they have the single largest market share held by any company in any significant industry in the last 50+ years. Microsoft used many unethical procedures to extend their monopoly. Most involved ways of punishing other companies should those companies dare to not comply with the Microsoft system. Microsoft should not be able to keep all the fruits of their illegal behavior. The penalties need to be a deterrent to future misbehavior of both Microsoft and other companies in their quest for market dominance. The lack of penalty for the financial windfall they've accrued is analogous to the court telling a bank robber that he shouldn't rob any more banks but that he can keep the proceeds for all previous successful heists. The proposed oversight or compliance mechanism is virtually powerless. Microsoft's failure to abide by the spirit or the letter of the previous agreement shows that the proposed weak oversight system is inadequate. Indeed, the proposed mechanism for dispute resolution and/or compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

This is especially troublesome when Microsoft's current actions extend to other areas, especially their effort to dominate the Internet. They have entered into many agreements with other cable/telecom/internet firms to become a powerful force in this area. They can easily use secrecy of protocols for their software to force others to adopt their products. One requirement should be that any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. Another requirement should be that the specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Some of the provisions in the settlement give Microsoft too much leeway to claim a security concern while in essence hiding some of the technical information needed for others to provide a competing alternative (Sections J.1 and J.2).

With regard to secrecy of protocols and APIs, the openly published letter from Ralph Nader listing his objections to the settlement includes specifically noted the objections to such secrecy. He specifically noted the detrimental effects on the ''Free Software'' movement, and discussed Microsoft's current and continuing offensive against the ''Free Software'' movement. I would like to support the objections raised in that open letter. Microsoft is moving against Linux and other competing software and will use any excuse for secrecy of protocols to undermine any competition. The well reported efforts of senior Microsoft executive, esp. Gates, Allchin, and Ballmer, to undercut any potential for other people and firms to move to Linux is indicative of the concern about the availability of free access to what must be public protocols.

It is important to note that Microsoft has been found guilty of abusing monopoly power. Some changes proposed in the settlement are acceptable. Microsoft should not be allowed to differentiate price to different customers, period. They have abused this particular mechanism repeatedly to ''punish'' those firms that didn't fall in line with their wishes. Also all vendors should be permitted to include any competing software, including alternative operating systems in a dual or multiboot configuration.

This will increase the potential for market penetration of Linux and other systems, and may eventuate in viable operating system alternatives. I need to run engineering programs that are available under a variety of ''free'' licenses. When I looked to buy a new computer recently I could not get a dual boot computer from any low cost vendor. They repeatedly noted that they could not provide dual boot machines under their current Microsoft license. This means that I must buy a machine from a custom vendor. While I support these vendors in principle, this does mean that the cost to me is several hundred dollars incremental cost over the equivalent from one of the low cost vendors. This differential is entirely due the restrictive Microsoft license.

My name is:
George Charles
My address is:
14 Annesley Drive
Glen Mills, Pa 19342

MTC–00019576

From: Joe Piolunek
To: Microsoft ATR
Date: 1/23/02 9:13pm
Subject'' Microsoft Settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

US Department of Justice:

I am a US citizen who wishes to register an objection to the more microsoft-friendly settlement plan in the MICROSOFT(R)-vs-doj antitrust proceeding. I have some further comments regarding the proceeding. First, am not professionally associated with any computing or advertising firm, and have not received any compensation for sending this message. I am an avid computer user and hobbyist program developer. I read technical articles related to computer operating systems, software and microsoft, and have formed an opinion regarding them, which I would like to share with you. This is a time of great upheaval in the computing industry. Many, if not most, companies in the industry are suffering financial trouble. A major reason for this is that the desktop computer market is nearing saturation, and development of the most prevalent operating system (ms-windows, by far) provided with new computers has reached the point where its functionality can not be greatly improved. It already does almost everything home and corporate desktop users want their computer to do. Because computers can have a life span of at least ten years, the standard industry practice has and still involves using a variety of means to deliberately degrade and/or destroy the usefulness of existing systems and products in order to sell new ones, regardless of whose property is being

degraded or destroyed. That practice is likely to continue if microsoft remains the major force in the industry, and may continue anyway. It probably has been a useful policy for national security and other reasons, but has been expensive for computer users. For many users, the cumulative personal cost of that policy is enough for them to say ''That's enough. I don't need to buy another computer.''

In the mid to long term, use of microsoft's computer software products will diminish. Microsoft may become little more than a massive marketing machine attempting to sell the equivalent of flint arrowheads to modern soldiers. That time is almost here. Thousands of (mostly professional) software developers from all around the world have been working together to create a new and much improved software system that they hope will be allowed to take the place of microsoft products. Unless world governments band together to do the unthinkable and unconscionable, the new system will eventually displace microsoft and its products regardless of any new laws created or court decisions rendered. The new system is called ''open-source'' or ''Free Software*'', which includes the Linux / GNU operating system, and other products. Before microsoft is finally displaced, it will use every tactic it can to destroy (if attempts at control fail) products, companies, and organizations before they can become truly competitive. In my opinion, if microsoft's behavior is not effectively changed (by government or court—it will not change itself), it will make all-out use of monopolistic practices (legal or not) to the detriment of many other companies and persons in the computing industry, and to end users.

National Security Concerns

In my opinion, microsoft's software products are unfit and unsafe for use on any internet-connected computer containing sensitive information, or any laptop or notebook computer containing sensitive information that can be carried into unsecured areas. Its products have been a continuing security nightmare, and there can never be any reasonable assurance that hidden problems have been corrected. In closed-source operating systems such as microsoft's, no law or authority can prevent hidden flaws from being exploited by enemies.

The Importance of a Free Market

The authorities currently controlling national policy claim to promote free market conditions, but they are doing the opposite in this case. A ''free market'' is just that—free. If any entity, whether a government or a business, moves into a marketplace and takes control to the extent that microsoft has, then that market can no longer be called free. To use an analogy, suppose a local flea market has been operating freely, with individual vendors bringing their own tables to set up to sell goods from wherever there is space. Along comes a monopolistic organization that tells all the vendors that they will now have to rent space and tables from the monopolist; that they can only sell the monopolist's shiny and popular but overpriced, identical, and unpredictably dangerous wares; and that they must agree to publically support the system. The vendors, and especially the monopolist, would profit (for a while) from the lack of freedom, but to the buying public, the value of the marketplace would be greatly decreased.

Organized Crime

Microsoft exhibits many of the characteristics of an organized crime gang. It continually involved its organization in illegal activity, as determined by the US justice system, which only examined a tiny portion of microsoft's questionable actions. To me, microsoft appears to have recently escalated its illegal (monopolistic) activities.

''Settle''?? with Microsoft??

Should a common bank-robber be allowed to determine how much of the loot he gets to keep? The DOJ needs to show some responsibility in this case. By that I mean responsibility to humanity or at least US citizens, not responsibility to those few who contributed to a presidential campaign.

Microsoft illegally (as determined by the court) and very obviously (as determined by me) holds a monopoly on operating systems as used in desktop computers. It also appears to be frantically seeking to extend its monopoly into other areas of computing. I strongly feel that microsoft needs to be stopped, and stopped immediately. The Proposed ''Settlement'' The proposed settlement is like giving your future to someone who stole your past. It will promote microsoft's monopoly, not provide a remedy.

A More Proper ''Settlement'':

1. End microsoft's corporate status. Microsoft's corporate officers have been allowed to hide behind laws that protect them, grinning like cheshire cats, while MS is allowed to conduct illegal activities as a corporation. A proper remedy would see to it that microsoft loses or gives up its Certificate of Incorporation, and that they do not re-incorporate.

2. Order that ms-windows can be resold, regardless of license. Let end-users remove unwanted microsoft products from their computer and sell them if a buyer can be found.

3. Order microsoft to distribute free alternatives to its products. Prevent microsoft from offering any of its products for sale as disks, for download, or installation on new computers unless the end-user is provided with a free set of disks for any current official version of any open-source non-microsoft-affiliated operating system, and a free license to use and copy them for redistribution. Make this retroactive for any installation of ms-windows where microsoft promoted it as a means to store sensitive information while connected to the internet, or any laptop/notebook computer that was originally sold as being suitable for carrying into unsecured areas while containing both sensitive information and microsoft products.

4. Force microsoft ''sponsored'' comments to be identified as such. Microsoft is actively attempting to destroy Linux, and is fairly open about its intent, but not its tactics. One of its more offensive tactics appears to be ''sponsoring'' the mass posting of anti-Linux comments on popular internet discussion sites. The common name for the practice is ''astroturfing'' (phony grass roots), and is usually carded out by public relations companies for paying clients. It is the equivalent of hidden, undisclosed advertising and must be stopped. Microsoft has also been found (by state Attourneys General) to create fraudulent ''comments'' which they have sent to government agencies, and which are obviously meant to obstruct justice in some way. Due to the recent escalation of commissioned pro-microsoft posting on internet discussion sites, I suspect that the DOJ address I'm sending this to is being inundated with similarly commissioned pro-microsoft messages. The intent of those commissioning the messages would be to obstruct justice. The practice must be ended, and not just in this case.

5. Bar microsoft from being involved in the technical training of Judges. Obviously, Judges need to be minimally competent in the details of the case they are hearing. I am not very familiar with this issue, but my assumption is that professional technical training would be provided to a Judge that requires it. If during the training program the Judge is deliberately misled by being fed incorrect technical information, it could easily lead to a misjudgment at the bench, which may be taken as bias by observers.

6. Assist open-source Free Software development. Open-source free software will become the foundation of computing in the future. At some point, the commercial software industry will have to find a new role or it will disappear. A forward-thinking policy would be to assist the transition whenever possible, rather than contribute to protracted chaos by fighting it. Since microsoft has been found to be taking economic advantage through monopolistic practices, a proper ''settlement'' would include microsoft being required to provide funding for Linux (its current target for destruction) development through a prominent noncommercial organization that supports the ideals of the open-source Free Software movement.

With diminished expectations and too little reason for respect, Joe Piolunek

MTC–00019577

From: Carlos
To: Microsoft ATR
Date: 1/23/02 9:24pm
Subject: Microsoft Settlement

Open the source code and enjoin Microsoft to compete against the various manifestations of this de facto standard that will arise from the demise of its ubiquitous hold on the personal computing experience.

Juan Carlos Toth
Assistant Professor of Multimedia
San Diego
Mesa College
3375 Camino del Rio South
San Diego, CA 92108

MTC–00019578

From: Alex Morando
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

I urge the US government team pursuing the DOJ-Microsoft anti-trust case to work towards appropriate penalties towards a

convicted monopolist for their criminal and unethical behavior. The current penalties and remedies currently proposed by the DOJ are not enough to ensure competition and prevent future abuses of monopoly power by Microsoft. The actions of the company since Judge Jackson's ruling was overturned clearly shows their arrogance—Internet Explorer is now even more deeply integrated into Windows XP, smaller companies have been purchased to prevent competitive products from being brought to market, and their .NET and Passport technologies have placed the future of the Internet in jeopardy.

Not once has Microsoft made any concessions nor shown any willingness to self-police themselves to even partially address DOJ concerns. Their actions in the related civil case is further proof of their continued attempts to extend their monopoly to other fields, including the Internet, the game industry, mobile communications, education, and security.

Those of us in the computer community know that the damages caused by Microsoft's monopoly has far surpassed that of any other company in history. Enron's collapse is small compared to the consequences of an ongoing and potentially permanent Microsoft monopoly.

I don't want a bleak digital future dominated and controlled by Microsoft. As a web site administrator, I have seen the problems caused by that company in their quest for monopoly power. The legal system moves slowly compared to Internet time, but a strong remedy and decision against Microsoft would open up the doors to competition and innovation. Those are two qualities that have never been exhibited by Microsoft, despite their press releases and advertising campaigns. Please encourage the competition and innovation that make our free enterprise system great—ensure that a predatory company like Microsoft can do no more harm nor threaten our future. You have my support.

Sincerely,
Alex Morando
Web site administrator
Rowland Heights, CA 91748

MTC–00019579

From: bob@grumpydog consulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

Thanks for your time,
Robert Forgey
Valley Center, CA 92082

RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way. How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted. Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software. Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare. Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial. Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00019580

From: Theodore J. Allen
To: Microsoft ATR
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

Dear Sir or Madam, I am concerned that the Microsoft settlement doesn't go far enough. I remember the days of ''DOS isn't done until Lotus won't run.'' Microsoft if unrepentant and is definitely stifling competition. I propose that Microsoft be bound by open standards for file formats, programming languages and scripts, and access protocols, such as for the .NET project. Their API should also be forced to be public with no secret system calls. This should level the playing field.

Sincerely,
Theodore J. Allen
Assistant Professor of Physics (315) 781–3623
Hobart and William Smith Colleges (315) 781–4039

MTC–00019581

From: jack green
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

this settlement is a bad idea.

MTC–00019582

From: Mike Schiller
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

I would like to take issue with the proposed Microsoft Settlement on three points.

1. I am an embedded programmer. What that means is that I write code for microprocessors that control many of the electronic devices used in every day life. For example, embedded programmers are responsible for writing software that makes your TV, car, microwave, etc. work and perform properly. The last few years have seen the introduction of many ''real time operating systems'' for embedded devices. These operating systems include proprietary operating systems such as QNX, VxWorks, and ThreadX. They also include open source operating systems such as uCLinux, eCos, and Red Hat Embedded Linux. The introduction of these operating systems, the competition between operating system vendors, and the availability of open source code add-ons for all of the operating systems has allowed embedded programmers to continually improve the performance and features of the products they create, decrease the time to market of such products, and reduced the cost of such products. The proposed settlement threatens the health of the embedded programming market. The threat results from three elements of the proposed settlement. First, the definition of ''Windows Operating System Product'' is limited (under Definition U) to include ''software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers [such] as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors.'' It makes no mention of Embedded Windows Operating Systems such as Windows XP Embedded, Windows CE, and Windows XP Tablet PC Edition. Second, ''Communications Protocol'' is defined as a set of rules for

information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product'' (under Definition B). It makes no mention of the interfaces between different ''Windows Operating Systems.'' Third, Definition Q can be read to mean servers are not personal computers and personal computers are not servers. Thus, as embedded Windows is not mentioned, Windows desktop machines are not servers, and Microsoft communication protocols are defined to include only desktop-server relationships, it seems that Microsoft will not be required to release documentation regarding the interface and communication protocols between Embedded Windows Operating Systems, and desktop Windows Operating Systems (or even for those protocols used to communicate between Desktop Windows Operating Systems). Since desktop computer interoperability is a desired feature of many embedded operating system products, the introduction of closed interfaces between the embedded and desktop versions of Windows will allow Microsoft to use its monopoly power in the desktop market to unfairly leverage its position in the embedded operating system market. Additionally, the settlement will not require Microsoft to release communications protocols between Desktop Windows Operating Systems. This will allow Microsoft to continue to deter competition in the desktop market by discouraging the development and sale of different and interoperable desktop operating systems.

2. The second point that I wish to take issue with is the ''Appointment of a Microsoft Internal Compliance Officer.'' The settlement states: ''Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.'' As the paycheck of any employee of any corporation is dependent on the income of that corporation, and as violations of this settlement could lead to higher Microsoft profits, it is unreasonable to expect an employee of Microsoft to be able to perform this task without being subjected to a conflict of interest.

3. The third point that I question is the line of the settlement that states that Microsoft may determine what entities meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' With the uncertainty inherent in a free market economy, only the market itself can determine which business models are viable. Thus, it is unreasonable to expect that Microsoft is capable of defining any standard, reasonable or unreasonable, objective or subjective, that is capable of determining with any precision or accuracy the viability of a business. Additionally, this would preclude academic institutions entirely, as such entities are not businesses. I hope that these points are taken into consideration, and that the proposed settlement will not be accepted.

Sincerely,

Mike Schiller

MTC–00019583

From: Robert Abrams
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: AOL suit against Microsoft

I think the marketplace should determine the winners or losers not the courtroom. These companies must get out of the litigation business and concentrate on coming up with get new technologies that we consumers want to purchase. Thank you.

Robert Abrams
Laguna Hills, Ca. 92653

MTC–00019584

From: Alan Miller
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Proposed Final Judgement

22 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

Ms. Hesse,

I am writing to add my name to the list of people opposed to the Proposed Final Judgement in the United States v. Microsoft antitrust case.

As a software developer with 11 years of business experience, I have watched Microsoft's rise to dominance in several markets and been dismayed by many of the techniques it has used to attain and maintain dominance at the expense of other companies, competing software platforms and consumers such as myself. Still, while I have often found Microsoft's techniques distasteful and unethical, I am far less concerned about remedies for its past behavior than I am about ensuring that the same types of behavior are prevented in the future. From my reading of the Proposed Judgement those remedies that actually work against Microsoft would be ineffective against a company determined to bypass them and would not even constitute significant obstacles in that bypassing process, further in many cases the remedies and definitions seem to have been specifically crafted to make them effectively nonexistent or to actually strengthen Microsoft's position in current or potential future markets. That Microsoft will work to bypass the original intent of the Judgement is clear for both technical and business practices—even during the course of the trial and settlement negotiations it continued to use tactics that should be blocked by a solid agreement.

As an example, the future direction of Microsoft's focus has just this month been declared to be security, while under the Proposed Judgement anything related to security need not be disclosed even if such would otherwise be mandatory. Under a strict reading, if Microsoft adds even rudimentary security interfaces to its APIs then none of those APIs need be disclosed and there is no penalty for not disclosing them -a requirement for receiving documentation for those APIs is that any business needing it must meet Microsoft-developed standards of business viability; non-businesses need not apply at all because access will simply not be available.

Overall, I feel that the Proposed Final Judgement is deeply flawed and should be substantially revised to remove these flaws before being accepted. A software and content monoculture such as Microsoft clearly wishes to have in place harms all of us in the long term, even Microsoft and its investors.

Sincerely,
Alan J. Miller
Des Plaines, IL

MTC–00019585

From: Ken Lotterman
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

The proposed settlement is very bad. And Microsoft knows that, except that for Microsoft, it is very good. They are not only getting away with very sneaky and unethical marketing ploys, but in the terms of the agreement, they will actually get to practice MORE sneaky and unethical marketing ploys.

How would you like if you never had a computer before, but you really wanted to get on the internet, so you went and bought one, took it home, hooked it all up, turned it on, found an icon on the MAIN screen that says ''Connect to the Internet'' so you double click on it thinking how easy that was..... Next thing you know, Microsoft has tricked you into signing up for *their* internet service (here comes the par that infuriates me) and never once stopped along the way and advised you that there are alternatives, some of them decidedly better or for less money. Take note of the following statement: This happens EVERY DAY. Consumers need someone who has a sense of FAIRness to watch over every marketing move Microsoft makes and approve it, or at worst, an unbiased peer-based panel can approve or disapprove.

I digress.
Ken Lotterman
Grand Rapids Michigan

MTC–00019586

From: William Pearl
To: Microsoft ATR
Date: 1/23/02 9:20pm
Subject: Microsoft

Dear Mr. Ashcroft, Please find enclosed copy of my letter concerning Microsoft.

Thank you very much.
William T. Pearl
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I appreciate the chance to comment on the proposed settlement reached between the Department of Justice and Microsoft in the antitrust litigation. Microsoft was alleged to have violated the antitrust laws by engaging in business practices and predatory pricing. The settlement agreement requires Microsoft to open its Windows operating system to competition from non-Microsoft software.

It also requires Microsoft to establish a uniform pricing structure in licensing its

Windows operating systems. I believe that the settlement agreement provides adequate remedies to Microsoft's alleged violations. Please move forward with the Microsoft litigation by accepting the proposed settlement agreement at the close of the public comment period.

Thank you for your attention.

Sincerely,

William T. Pearl

MTC–00019587

From: Kenneth Legg
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

The customers are getting the short end of the stick with this settlement. Without question Microsoft is a monopoly and should be treated as such. I work in the computer field and know that there are companies with thousands of P.C's running Windows software. To move to another platform would mean not only buying a new O.S but also all the software and then retrain all the workers. This is not something that can be done in the real world. Microsoft owns the desktop.

Kenneth Legg
Logan, WV

MTC–00019588

From: The Martian Embassy
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement
: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As per the Tunney Act, I wish to comment on the Microsoft settlement.

General Comment: ''We didn't do it... and promise never to do it again!'' While somewhat cheeky, the above is still at least minimally respectful of the laws of the land. Microsoft's actions indicate that its officers do not have even that limited respect. I believe they will simply ignore the settlement's strictures, and the whole, expensive and slow process will have to start again.

Specific Comment: ''Ignorance is no protector of virtue.'' The settlement apparently allows Microsoft to avoid documenting any portion of the software merely by claiming that the particular software elements are involved in ''security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' (section J). There seems to be no requirement that Microsoft prove that the code is involved in security or that its documentation would indeed compromise security. Additionally, refusal to document interfaces could (and will) be used to stonewall attempts to determine whether the company has illegally appropriated non-Microsoft software. In particular, I refer to the so-called ''Open Source'' software which is often accompanied by a license restricting its incorporation into for-profit products.

Thank you.

Bruce de Graaf
23 Edmunds Way
Northborough, Massachusetts 01532

MTC–00019589

From: Ntlor
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement

I'd like to add my vote about thinking the proposed settlement is a bad idea. I'm surprised that the Department of Justice would even consider such a obviously skewed proposal. Microsoft is just thumbing their nose at our government.

MTC–00019590

To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

The proposed settlement is bad. It will hurt consumers and stifle innovation in the technology world.

Please reject it!

MTC–00019591

From: Christopher.Caldwell@
Interliant.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Comments on recent Anti-trust decisions
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to make the following comments on the proposed Microsoft settlement:

1:There has been previous anti-trust decisions against Microsoft with respect to their management of OEM deals forcing hardware dealers to exclude other vendor's products. These decisions had little effect on opening up markets to other vendors.

2:Microsoft has continued to act in a manor showing that they completely missed the concepts of Anti-trust, continuing to act in ways that missed the spirit, if not the actual wording of previous judgements against them.

3:Microsoft has actively lobbied at all different levels of government to manipulate further decisions by the Department of Justice, rather than to handle the issue directly through lawyers and existing law. Indeed, Microsoft has manipulated the environment in which the DOJ acts with respect to these Anti-trust decisions. The effectiveness of their manipulation (and the quantity of money spent by them) is indeed more evidence of the total power of their monopoly. As a citizen, I am appalled that such blatantly cynical and money driven manipulation is so obviously being ignored. I wonder how this proposed settlement compares to previous DOJ decisions with other companies in the past. How does this settlement compare to the break-up of the AT&T, etc? As an engineer watching people forced to use inferior Microsoft products because business demands force them to, I am appalled that the definitions of products, APIs, etc within the settlement are so tightly defined as to make the settlement meaningless one rev of the OS later. It is as if much of the wording was designated by Microsoft lawyers to protect the company from being inhibited by this settlement in the future. Isn't that what the settlement proposed is supposed to do? Isn't it supposed to prevent Microsoft from abusing United States businesses and economies by preventing future bad acts?

The previous decision to break up Microsoft into two pieces didn't go far enough. Leaving them intact with a management structure that shows every inclination to continue skirting the law and abusing businesses by their pure size is a failure to act in the best interests of the country. Is there any punitive nature to this settlement? It doesn't appear so. As a result, you are leaving a regime of lawyers and managers in place with every intent on weedling around the exact wording of the proposed settlement. The effect of this settlement will be to cause Microsoft to hire more lawyers so that they don't violate anything explicitly prohibited in the settlement, but it will not change their actual methods of dealing with the industry in any appreciable fashion. I believe the DOJ should separate the operating system development team from the applications development team, in addition to separating business and home applications. Indeed, Microsoft's attempts to penetrate the service industries (MSN) should also become separate businesses. The credibility of the DOJ is clearly in question when the majority of people in the industries effected by this decision believe that this settlement will have no noticable effect on how Microsoft does business.

Respectfully,

Christopher M. Caldwell

MTC–00019592

From: David A. Mason
To: Microsoft ATR
Date: 1/23/02 9:24pm
Subject: Microsoft Settlement

In view of many of the items outlined in the proposed settlement of the antitrust action against Microsoft, I must register an opinion that the settlement is a bad idea, that it addresses little to none of the damage done by Microsoft to the industry, and that it does little to discourage a continuation of these practices, while enhancing Microsoft's footing in education—one area where other products and vendors have been able to move more freely of Microsoft's influence.

MTC–00019593

From: gopal@teraoptic.com@inetgw
To: Microsoft ATR,Gopal Raman
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

Your Honor:

I am writing to convey to you my sense of disappointment over the recent DOJ settlement of the antirust case against Microsft Corp. I am a software engineer working in the silicon valley in California. I was formerly a researcher with AT&T Labs Research in Florham Park, NJ. There are many reasons why I believe that Microsoft is a monopolist. They are the following:

1. Microsoft has effectively prevented PC manufacturers from shipping PCs with any

other operating system other than Windows. They have done this by negotiating contracts with PC manufacturers that requires them to pay for a Windows license even if a PC ships with a different operating system.

2. Widely used Microsoft applications such as Word and Power Point use a secret format to store the content (such as documents and presentations) created by users. In addition, Microsoft gratutiously changes these formats with every new release forcing every user to pay to upgrade to the new version. The secrecy issue exacerbates the problem of Microsoft's near monopoly on the PC operating system. If the file formats were shared freely, then these applications could be easily ported by other companies to different operating systems thereby encouraging users to choose an operating system other than Windows and interwork with Windows users.

3. Companies hesitate from building applications for the Microsoft operating system because of the threat of Microsoft being able to cause these applications to ''break'' in future Windows releases. In addition, Microsoft subsumes the function of third party applications into their proprietary operating system with each release. This not only violates all principles of good software and system design but also has the side effect of putting other application companies out of business.

Because of their monopoly position, Microsoft is not motivated to add useful features into their operating system that save time and money for users. For example, the X window system that allows multiple users to share a single server has been around since the mid 80's and is supported by all Unix systems. However Microsoft chooses not to provide this since more than one user could share a PC thus reducing the number of units sold.

In short, Microsoft has consumers at their mercy. They are only interested in getting more revenue at the cost of user convenience and ease of use. In view of the above, I humbly and earnestly beg you to reconsider the recent settlement that would encourage Microsoft to continue their abusive practices.

Regards
R. Gopalakrishnan Ph.D
Senior Software Engineer
TeraOptic Networks
686 West Maude, Suite 103
Sunnyvale CA 94085–3518
Phone: (408)-331–0715
Fax: (408)-331–0104

MTC–00019594

From: ChuckMor@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft settlement is not adequate for the public good.

The Microsoft seetlement as currently structured is not in the best interest of the computer using public. It does not sufficiently control, let alone punish past, monopolistic practices.

MTC–00019595

From: Kyle McDonald—Eagle CAD
To: Microsoft ATR
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

I am writing this to add my vioce to the the many consumers in this country who believe the proposed final judgement, in the Microsoft antitrust case, is extremely weak. Corporations can not be allowed to violate the citizens and laws of this country like this and get away with it. A much stronger judgement is deserved by the actions Microsoft has taken in the past, and continues to take today.

Please do not let them get off this easy.

Kyle J. McDonald Systems Support Engineer
Sun Microsystems Inc. √√√√√

MTC–00019596

From: simon—eddison@perpetual.com.au@inetgw
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

I believe the settlement is no punishment to Micro$oft at all and would be to its advantage even without the incentive of getting the trial stopped. The proposal to give software free for 5 years to schools that could not afford it in the first place is no punishment at all—the cost of a CD is about 25c apiece. It's probably no coincidence at all that the agreement is for 5 years when the IT world is used to a 3 year upgrade cycle. The schools concerned get one upgrade free and then microsoft gets a new set of customers next time !! During the 5 year period the only competitor, Apple, is locked out, again to MS advantage. opinions expressed are of the writer and not my employer.

MTC–00019597

From: Will Ganz
To: Microsoft ATR
Date: 1/23/02 9:28pm
Subject: Microsoft Settlement

The proposed ''Seattlement'' is sellout of the highest proportions and is more of a ''reward'' rather than a ''remedy'' for Microsoft's behavior. To have an order with realistic chance of being enforced and to allow diversity in the market the following is required:

1.. An oversight group that can stop Microsoft's behavior for violations of this agreement with monetary penalties available. The present proposed group is a toothless tiger.

2.. Revelation of all software patents that they hold so that they cannot threaten with FUD(Fear, Uncertainity, & Doubt) on any vendor.

3.. Revelation of all API's for Windows. A 6 month notification of the change in the API's should be required so that Microsoft cannot change them at will to break competing products. Borland's Delphi compiler is the best example of this corporate harassment with Microsoft continually changing the underlying API's to destroy any advantage that Borland may gain through technological advancements.

4.. Allow end users to keep their licenses for Windows should their computer fail. This would allow consumers to upgrade their computers without continually having to buy yet another license for the new computer.

5.. Require Microsoft to directly refund consumers for licences of Windows when they do not agree to the End User License Agreement. This is typically done when consumers install a competing operating system. Presently, Microsoft refuses to refund consumers their money for the licences that they do not agree with and the OEMs do not refund the consumer's money because they are afraid of dealing with Microsoft and jeopardizing their contract for Windows. This circular logic deliberately frustrates consumers in getting the refund they are entitled. This raises the cost of competing operating systems by requiring consumers to buy, first the computer with Windows, and then pay again for a copy of the alternative operating system.

Sincerely,
Will Ganz

MTC–00019598

From: jayswift
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

Dear DOJ:

I feel as a computer user and thus a consumer that the current proposed settlement of the Justice Department against Microsoft is a fair one and will promote competition. In fact, the capability of competing companies to compete has always been there: all they have to do is invent an OS. (That Linux exists is proof of this.) The provisions outlined in the Settlement would seem to take care of any unfair ''bundling'' problems and make any version of Windows available to other competing software.

This has really gone on long enough. The public is no longer being served by continuing the DOJ's case any further. It may, in fact, be substantially harmed if more millions are spent prosecuting this case As a writer, I do believe in copyright laws, patents, and protection of what one creates.

Joan Swift
18520 Sound View Place
Edmonds, WA. 98020

MTC–00019599

From: Wes Morgan
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

The proposed Microsoft settlement does not go far enough to ensure Microsoft cannot abuse its monopoly position in the future, nor does it remove the barrier of entry for potential competitors that allows Microsoft to maintain its illegal monopoly position. I believe these problems (among others) needs to be addressed to fulfill the purpose of antitrust legislation.

Wes Morgan
8024 NE 139
Edmond, OK 73013
(405) 396–2552
(616) 954–4231

MTC–00019600

From: Kevin Bong
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:33pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am an Information Technology Professional with experience in both programming and systems administration

with various technology platforms, including the Microsoft Windows operating system. I am also a Microsoft Certified Systems Engineer.

I have closely followed the recent Microsoft antitrust trial, and have thoroughly reviewed the Proposed Final Judgment. I strongly feel that the remedies put forth in the Proposed Final Judgment are INSUFFICIENT. The following are some reasons supporting this conclusion.

The Proposed Final Judgment does not give protection to competing operating systems and products that implement or emulate the Windows API's, allowing them to run software written for Windows. In fact, the Proposed Final Judgment restricts information on Windows API's to be released for the purpose of writing competing operating systems that interoperate with Windows.

One of the main problems of interoperation with the Windows operating system is the use of proprietary, undocumented file formats and communications protocols. A critical component of the success of competing products is interoperability with Microsoft products. Disclosure of file formats and protocols, as well as a competitors ability to read, write, and emulate these formats and protocols is necessary. The Proposed Final Judgment does not take any steps to break this barrier to entry.

Microsoft denies competing operating systems entry into the market by using overly restrictive licensing terms and by building intentional incompatibilities into software. The Proposed Final Judgment does not prohibit these activities. Microsoft currently has licensing terms which restrict Open Source software from running on Windows. Microsoft also has licensing terms which restrict Microsoft applications from running on Open Source operating systems. These issues NEED to be addressed for the Proposed Final Judgment to be effective. The Proposed Final Judgment WILL NOT work to unfetter the market from Microsoft's anticompetitive conduct, WILL NOT prevent Microsoft from denying competitive products entry into the market, WILL NOT deny Microsoft the benefits of their illegal activities, and WILL NOT prevent Microsoft from furthering their illegal monopoly into other markets in the future.

Sincerely,
Kevin M. Bong
121 S. Wisconsin St.
Elkhorn, WI 53121

MTC–00019601

From: David Livesay, Ph.D.
To: Microsoft ATR
Date: 1/23/02 9:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement of the Microsoft antitrust case. I feel that the proposed settlement is riddled with loopholes that will allow—and in some cases even sanction—Microsoft's unfair, illegal and economically disruptive business practices.

I believe that the best way to ensure a healthy and competitive technology industry, and to promote competition by Microsoft and its competitors, would be a structural remedy that splits Microsoft in such a way as to prevent them from leveraging their monopoly products to gain unfair advantages in other markets, and to enjoin them from enforcing unreasonable policies that prevent the development of competitive operating systems and other software products. Although I do not consider myself a conservative, I support the recommendation presented to the court by the Progress and Freedom Foundation which advocates splitting the operating systems from the other software and Internet services, but also would create three operating system companies that would have to offer innovations and alternative features in order to compete with each other, thereby increasing consumer choice and stimulating the economic performance of the technology sector. A remedy such as this would allow market forces to stimulate innovation and consumer responsiveness without the need for expensive and ineffectual regulation and enforcement.

Sincerely,
David A. Livesay, Ph.D.

MTC–00019602

From: Travis Ross
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement of the Microsoft antitrust trial is an outrage. How can the Department of Justice let Microsoft off the hook with a slap on the wrist after proving that Microsoft was in clear and egregious violation of antitrust law and common ethics?

The Bush administration seems to think that we owe Microsoft free reign to practice whatever underhanded tactics they please because Microsoft is important to the economy. The truth is that Microsoft has consistently abused their monopoly power to squash innovation in the computer industry whenever it has had the slightest potential to threaten the tiniest percentage of that vast monopoly. I'm weary from paying exorbitant prices for the temporary and restricted privilege of licensing Microsoft's bug-ridden, security-challenged bloatware. Why don't I buy something else? There aren't any other mainstream alternatives for Intel-compatible PCs. Microsoft has made sure of that. In most cases, I haven't even had the opportunity to buy a computer without Microsoft dipping their hands into my pockets - if you buy the computer, you pay Microsoft even if you don't want their software. I'm all for competition, but Microsoft has leveraged their monopoly to make sure that there is no possibility of competition. Microsoft has held America back in order to further the interests of Microsoft and will continue to do so if the policies of the current administration do not change.

Sincerely,
Travis Ross
PO Box 343
Moorcroft, WY 82721

MTC–00019603

From: Jeanne S.
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

Dear DOJ,

Not quite clear to me how Microsoft's plan to donate millions of dollars worth of software and hardware into education, as part of the antitrust settlement, is a punishment to them. Sounds like a nice way for the company to extend it's reach into an area where it has traditionally not been able to dominate.

Sincerely,
N. Herb Gundy, CCC-SLP

MTC–00019604

From: Camille Roussel
To: Microsoft ATR
Date: 1/23/02 9:34pm
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00019605

From: Jim Stevens
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

It is ironic that AOL-TIme Warner should be going to court alleging anti-competitive practices by Microsoft. AOL is famous in the industry for its own lack of cooperation with instant messaging standards and its exclusionary, proprietary software that does not interoperate well with the rest of the internet. As a citizen-user of internet software, it is my view that AOL's actions against Microsoft could result in even more wasted capital and energy than have previous efforts of other Microsoft competitors to compete in the courts and in politics instead of technically with good software and standards. AOL is a pot calling the Microsoft kettle black. The AOL legal filing is a cynical manipulation of the legal process and political setting by the most powerful media group in the country. These are both extremely large and powerful companies. Get them out of the court room to compete on their technical and business merits.

Respectfully,
Jim Stevens
9707 35th Avenue NE
Seattle, WA 98115

MTC–00019606

From: Eric Straavaldsen
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

I feel that the proposed settlement does little to help deal with Microsoft's use of its products to leverage it self in the market. A ''settlement'' that requires it to give its software to education, does not hurt but in fact helps them leverage the market. The settlement as a whole is only a very limited response to a company has shown a history of being uncooperative with the fair trade laws of the US. In light of the fact that this case is the result of a second action against Microsoft because of their unwillingness to follow the restrictions set down by a US court calls for a stronger response. If this was a criminal case a second offense would count strongly in the outcome.

eric

MTC–00019607

From: barak
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea and will do nothing to prevent Microsoft from continuing their anticompetitive practices. Microsoft should be fined heavily. I think it is safe to say that in a competitive market no single player will have a market share greater than 50%. That would then imply that any market share that Microsoft held over the first 50% was a result of their anticompetitive practices and any profit that resulted from that excess market share was acquired illegally. I feel that the only effective remedy for this is to fine them for the entire amount of the illegally acquired profits over the last 10 years. The funds from the fines should be used to develop a public domain operating system and office suite that is compatible with the Microsoft offerings. Another option, since the fines would not doubt be huge and require liquidation of some of Microsoft's holdings, would be to seize intellectual property of an equivalent value, perhaps the source code to Office or Windows, and release it into the public domain. Questionable OEM bundling practices forced the American people to fund the development of those products every time we bought a computer, isn't it time we were given what we have been paying for?

MTC–00019608

From: David Johnson
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

I think that the current settlement with Microsoft causes harm to me as a consumer. I think that Microsoft is the Standard Oil of the internet age and that consumers such as myself suffer from its power as a monopoly. Please give some consideration to revising the settlement so that consumers have a greater choice in operating systems and software.

Respectfully,
David R. Johnson, MSW

MTC–00019609

From: Ken Hooper
To: Microsoft ATR
Date: 1/23/02 9:29pm
Subject: Microsoft Settlement

I wish to say that I am against the proposed Microsoft settlement. The notion that Microsoft can redeem itself by giving free computers and software to schools, is like the notion that drug pushers can redeem themselves by giving away free samples in schoolyards.

Respectfully,
Ken Hooper
Memphis, Tennessee USA

MTC–00019610

From: Jerry Chretien
To: Microsoft ATR
Date: 1/23/02 9:30pm
1/23/02

Dear Sirs:

I would only hope that this suit would settle and soon. As an entrepreneur I believe that Microsoft should be able to compete without restraint. I do not find they're giving away their browser any different than AOL sending out hundreds of thousands of discs promoting their online services. As a business person that is not computer literate and savvy I find that if I stick to Microsoft programs on all of my systems everything seems to run and perform without problems and I always receive the result I was looking for. However, there have been occasions in the past, when different programs have been installed on our systems and the labor and time required to keep them running and to keep them compatible is very expensive. The labor to keep non Microsoft programs running is not the biggest expense item. It's the non-productive time and lost opportunity. some years ago I made a decision that whenever I bought computers, Servers and software that they would always have the Intel chip and motherboard, and they would be loaded with Microsoft programs. I do not and have never felt like I was being taken advantage of by Microsoft. As an entrepreneur I find all the things said about Microsoft to be just so much crying on the part of their competitors. Their competitors either can't build or sustain a product or take it to market yet they want me to suffer by having the government make it more difficult for me to get Microsoft products. Can you imagine trying to keep all your systems up and running with some little known off brand of program that only has a handful of people around the country that know what is going on with the program. I'm sorry but I only see the government action as making everything more expensive and difficult for me to do business. I also think that the action on the part of the individual states is more political than anything else. Who are they trying to protect? Could it be Kodak, Sun Micro Systems, AOL etc.

Yours truly,
Jerald E. Chretien
Portland, Oregon

MTC–00019611

From: Greg Poucher
To: Microsoft ATR
Date: 1/23/02 9:34pm
Subject: Microsoft Settlement

I would like to express my disapproval of the currently proposed settlement in the US DOJ anti-trust case against Microsoft. Not only are its penalties for past transgressions against competitors such as Netscape and Apple Computer inadequate, but its protections against future misdeeds are lacking any effective enforcement provisions. Thank you for your time.

Sincerely,
Gregory Evan Poucher
Low Rise 6, #6411
Cornell University
Ithaca, NY 14853

MTC–00019612

From: John Hussar
To: Microsoft ATR,Kevin Boland
Date: 1/23/02 9:35pm
Subject: Monopoly/Microsoft/Fortune100 Companies

I am a consultant to some major Fortune 100 companies and have seen the anti competitive aspects of Microsoft's operating system firsthand. In general MS 'Windows' almost seems purposely written not be able to interact with other operating systems by other manufacturers. This makes it very difficult, if not impossible, for a company to use alternate computers with different operating systems (i.e.. Macintosh). Whether this is true must be analyzed in the way the Windows code is written. Unfortunately one would need to be a computer programmer to truly evaluate this. I think it is crucial that Microsoft's de facto monopoly be stopped as it is, in my professional opinion, dangerous to destroy competition in the area of computing.

It is an unsound practice to have only one operating system controlled by only one company. At best this situation squelches innovation and leads to a stagnant computer market. At worst it is a danger to our national security, as we (as a nation) are then at the mercy of how securely that system is written. Again, in my professional opinion, it is a badly written operating system and is riddled with many serious security holes. We have already seen the cost of computer worms and virus that have cost companies billions of dollars. The damage has been on par, cost wise, with floods, hurricanes, and other natural disasters. It is not an acceptable situation for this country to find ourselves at the mercy of this obvious monopoly called Microsoft. It is imperative that free and open competition be allowed back into the operating system marketplace.

John Hussar
JJH, Inc

MTC–00019613

From: Karl Uzar
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

To Whom it May Concern:

I think the proposed settlement ''against'' Microsoft is rediculous. The purpose of the antitrust trial was to force Microsoft to allow competition from the likes of Linux and Apple. The settlement does very little to further this. Here's what I'd like to see:

1. Well-documented, freely released APIs and file formats. No exceptions for companies or groups that ''don't have [what Microsoft considers] a valid business model.''

2. A substantial fine—something that would make Microsoft think a little. $25 million dollars at least.

3. Reduced OEM licensing restrictions. Does Gateway want to sell a machine with both Windows and Linux (ie. dual-booting)? Fine, more power to them. Netscape instead of Internet Explorer? Go ahead. And Open Office.org over Microsoft Office? Bring it on!

4. The OEM shouldn't be required to place icons for installed Microsoft products on the Desktop, either.

5. Some legal definition of ''Operating System'' should be established, and it should be fairly conservative. A definition of ''Computing Package'' should be established as well; this would include everything you need to do basic work on a computer (operating system, productivity/office suite, Web browser, e-mail application, etc.) Right now, Microsoft is selling a computing

package passing for an operating system. There's nothing wrong with selling a computing package, but no one should be forced to pay for and use it when all they want is the operating system.

6. Microsoft must release any information made known to it regarding computer security. ''Security through obscurity'' is a really bad idea, because someone else will invariably independently hit upon the same security flaw and exploit it. Remember when servers running Microsoft Internet Information Server (IIS) went down with Code Red and its variants, costing companies billions? What if Microsoft knew about the hole weeks before the virus hit, and didn't bother to patch it? The Information Technology industry desparately needs some measure of accountability from Microsoft.

7. Tying in to number 5, some form of oversight committee should be established, and it should be staffed with people who have computer knowledge. —PC Magazine—columnist John C. Dvorak has announced his ''candidacy,'' and he wouldn't be a bad choice. Granted, you don't want people who are vehemently anti-Microsoft, but you don't want yes-men (or -women) either. The committee's job should be to ensure that Microsoft doesn't violate the settlement, and to resolve disputes without resorting to litigation. Thank you for taking the time to read these comments. No matter what the final decision is, it is good to make one's voice heard.

Sincerely,
Kevin Riggle

MTC–00019614

From: William Meyer
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

I use Microsoft products, both in my work, and in my life. I am a software designer who has created three generations of video servers based on Microsoft Windows. These are among the most cost-effective of such products on the market today, and they empower broadcasters in small market stations, and educational and religious stations, which would otherwise be unable to afford such technology. I strenuously resent the government's characterization of me and my colleagues as ''victims'' of Microsoft. I am by no means helpless, and I do have alternatives to Microsoft products; I use Microsoft products because they serve my needs well. No one has the right to dictate to me what software I will use, least of all my own government. This country, and at times, the government and courts, seem entirely irrational in their view of business. Productive employment is created by private business (such as Microsoft), not by government, which is more properly viewed as the administrative overhead of running the country. I urge you to bear in mind that the original complaint against Microsoft was voiced, not by any consumer, but by Microsoft's wealthy and large competitors. Competition is healthy, but these companies seemed to prefer that the government do what they could not: to overpower Microsoft. That their own business plans failed does not justify having the government damage a highly successful company. We are guaranteed by the Constitution the right to the ''pursuit of happiness'', not to happiness unearned. The politicians who have sided with detractors of Microsoft in this are in danger of supporting unequal treatment of companies under the law. As a corporation is a legal fiction which conveniently equates to a person, so it must be viewed that any corporation is as entitled to equal treatment as is any other citizen. The alternative only fosters increased corruption in government. I am tired of hearing the phrase ''rule of law'' bandied about by those who would apply it selectively. I am tired of the seemingly ceaseless attempts of our politicians to tax or legislate out of existence companies which provide many thousands of jobs for citizens. I want to see America the most successful and capitalist economy in the world—not see it throttled and abused by politicians (and even courts) whose own efforts create no part of the gross domestic product. Microsoft has a fundamental right to its corporate property, just as I have a fundamental right to my own property. These rights are assured by the Constitution. They are also jeopardized by uneven application of ill-conceived law. I call upon the Court, and upon the Department of Justice to preserve and protect these rights, not to dismantle them. This is, after all, the proper duty of the government, to protect and defend the rights of citizens, from whom their power obtains.

Best regards,
William Meyer

MTC–00019615

From: Jeff Elkins
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

Microsoft needs to open it's APIs and publish it's file formats.

That would level the playing field.
Jeff Elkins
Ocala, FL

MTC–00019616

From: Scott Glenn
To: Microsoft ATR
Date: 1/23/02 9:39pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case does nothing to punish Microsoft for its rampant anticompetitive practices or provide a path for the IT industry to migrate to a healthier technological marketplace.

MTC–00019617

From: ahattrup@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:33pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer, I am concerned that the Proposed Final Judgment in the DOJ v Microsoft case has many technical loopholes that, based upon previous actions, will be exploited by Microsoft to retain their monopoly. Many of the End User License Agreements that must be accepted to produce software compatible with the Microsoft windows operating system regulate and limit what one can do with the program. There are many API's that Microsoft does not document publicly, but which are used internally to increase the performance of their own products. Publication of all, not just middleware, API's should be a requirement. The timetable for publication of the API's is probably sufficient, but the requirement that any software pass an undefined compatibility test is leaving the door wide open for abuse. The most grievous omission from the proposed settlement is allowing their proprietary file formats and communications protocols to be kept undocumented. This is what allows Microsoft to maintain its monopoly in the desktop market. It will modify/produce a protocol or format and write applications that work with the protocol/format. This new protocol and application base will be forced onto End Users using their monopoly. Microsoft will then protect said protocols/formats with EULAs, creating a major barrier to entry. These are just some of the issues that plague the Proposed Settlement. I urge you to close some of these loopholes and restore competition to the operating system market.

Thanks for your time.
Sincerely,
Lorin Hattrup

MTC–00019618

From: Jed McBride
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

I think it's a shame that the DoJ has decided to show the world that companies are not allowed to fight to be number one. Perhaps worse than that, the DoJ has neglected to look in to other examples of monopolies, such as AOL's purchasing of all other bulletin board services aside from MSN. And of course the DoJ will be helping AOL by hurting it's competitor in that way. I have to say it's legal loopholes and unfair litigation like this that has caused me and many of my peers to lose faith in the legal system. It is my fervent wish that these charges against Microsoft be dropped, and I can only pray that thousands if not millions of other citizens are taking the time to cry out as I have.

I thank you for your time.
Joseph McBride

MTC–00019619

From: Susan Kaiser (SURGY)
To: Microsoft ATR
Date: 1/23/02 9:38pm
Subject: Microsoft Settlement

To whom it may concern,

In my opinion, dropping the antitrust action against Microsoft, or failing to penalize Microsoft harshly for their grossly unfair and illegal business tactics, would be entirely unacceptable. They have no concern for consumers or for the quality of their products, only for money and dominance.

Hopefully,
Susan Kaiser, MD

Susan Kaiser, MD, PhD, FACSDepartment Phone: 201–915–2451

Department of SurgeryPractice Phone: 201–915–2773

Jersey City Medical CenterFax: 201–915–2350

50 Baldwin AvenueEmail: sk@doc.mssm.edu
Jersey City, NJ 07304

MTC–00019620

From: Andrew A. Meier
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement for in Microsoft antitrust trial. I feel the proposed settlement does not go far enough to redress Microsoft's abuse of it's monopoly status. I am a software developer with over seven years experience in developing software for UNIX, Linux, Windows, and DOS. My chief complaint with the proposed settlement is that it does not stop Microsoft from it's monopoly abuses that most affect me. Microsoft requires in the end user license agreement (EULA) for many of the products released and marketed from them that the user of the software not use the software on any competing operating system and in some products requires that the user not use the software to create software for competing operating systems.

Though I can run many programs designed for Microsoft Windows in my chosen operating system (Linux), the EULA included with those programs prevents me from doing so. To use the programs I am then forced to use a Microsoft operating system not for any technical reason but solely because of the anti-competitive incense agreement. In addition, when I develop software, if I wish to use a Microsoft product to develop that software, the EULA prevents me from releasing that software for competing operating systems because the EULA contains a requirement to not distribute the ''REDISTRIBUTABLES'' required to run the software to competing operating systems. Requirements like these are clearly anti-competitive. Therefore, any settlement or judgment in the Microsoft antitrust must strictly and expressly prohibit any requirements Microsoft may place in license agreements that affect how a user may use any Microsoft product.

Thank you for your consideration.

Sincerely,
Andrew A. Meier
708 E. College Ave.
Waukesha, WI 53186

MTC–00019621

From: Mike Angelichio
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

I am completely opposed to the proposed settlement offered by Microsoft. To reiterate many, this settlement would only provide Microsoft with a fresh attack on the educational market; one in which they are greatly lacking as compared to the business and personal market. Again, I would like to state that I am very much opposed to Microsofts proposal I would like to see a more ''neutral'' punishment for the company.

Thank you for listening.

Michael Angelichio

MTC–00019622

From: Marcus Lauer
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Concerns About Microsoft Settlement

I was not at all surprised by the results of DOJ vs. Microsoft. What surprises me is that the proposed settlement does not address the issues of the case in the least! Requiring Microsoft to buy computers for schools is simply a monetary punishment: a fine. Microsoft was not found guilty of failing to give enough money to charity! They were found guilty of abusing their monopoly in the desktop computer operating system market. Only a settlement which directly addresses this behavior is acceptable. We punish crimes because we do not want them to reoccur. A punishment which prevents the crime from reoccurring, or at least attempts to, should be the preferred solution.

It is impossible to calculate a dollar value for the damage which Microsoft has done to other companies, and to the World-Wide Web, through abusing its monopoly. Instead, let's try matching the punishment to the crime.

Marcus

MTC–00019623

From: wdn5@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

Personally my opinion is that the settlement does not address any settlement for the people who were effected by Microsoft's actions. Would each person who ran Microsoft for the years the settlement covers have to sue them individually to recover any financial losses they might be able to show?

The products listed as effected in the decree could be ''discontinued and renamed'' causing new legal action. The listing of specific products instead of a blanket statement saying: ''all interaction between programs residing on the same computer or different computers must be documented and presented, whether written by Microsoft or another company. . .''

They could get rid of Internet Explorer and have Microsoft 'Web Viewer' released in the next version of windows. Will this cover a release of Windows 2002? Which would probably be a bug fix of Windows 2000? But then the same API that they had to release for Win 2000 they would not for Win 2002?

Finally Windows Security information is exempt. Their Security APIs need to be released so they can be tested and their strength determined in non-biased labs. There is no good reason for these to be exempt.

Thank you,
dean norris

MTC–00019624

From: Gus Wirth
To: Microsoft ATR
Date: 1/23/02 9:50pm
Subject: Microsoft Settlement

I am deeply concerned with the proposed settlement regarding Microsoft. It does nothing to effectively deter its current predatory behavior and fails to punish for past offenses. Microsoft's malfeasance extends back to it's earliest days as shown in books such as ''Undocumented DOS, 2nd edition'' and ''Undocumented Windows'' by Andrew Schulman et al, Addison-Wesley where Schulman describes how Microsoft deliberately introduced code designed to break competitors products. The same pattern of behavior continues in its products today, fueled by a marketing machine that spews Fear, Uncertainty and Doubt (FUD) about competitors designed to intimidate those attempting to use alternative products. I am extensively involved with the software industry and am intimately familiar with many of its products. I have a Masters Degree in Software Engineering enabling me to understand the complex technical issues involved. I have been employed as an Information Systems Manager for many years, suffering the effects of Microsoft's stifling of effective competition. I am also on the Board of Directors of the San Diego Computer Society <http://www.sdcs.org>, representing over 1000 regular and Special Interest Group (SIG) members. Every meeting I attend brings up a recurring question: ''What has Microsoft done to me today?''

Gustav Wirth
Director at Large
San Diego Computer Society

MTC–00019625

From: John Varela
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

I believe that the proposed settlement does not go nearly far enough in correcting the damage that Microsoft has done to the computer industry, nor will it prevent further anticompetitive, monopolistic practices by Microsoft.

John A. Varela
McLean, VA, 22101–3111

MTC–00019626

From: Corey Grant
To: Microsoft ATR
Date: 1/23/02 9:39pm
Subject: Microsoft Settlement

You guys caved into Microsoft and in doing so wasted years of effort and millions of taxpayer dollars. So what did it take to get you guys sell out, Microsoft offer to give you all free hats or something?

MTC–00019627

From: Margsouthwell@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for settling the Microsoft antitrust lawsuit according to the agreement reached in November. I feel that whenever the government gets its hands into something, it gets ruined, and the Microsoft case is a serious example.

I am a Microsoft stockholder, though I do not use Windows as my primary operating system. Because of that, I recognize the

freedom of choice that already exists in the marketplace. The changes Microsoft is agreeing to in how it distributes Windows, and in giving computer users new abilities to better use non-Microsoft programs with the Windows operating system, will further promote freedom of choice. Let the product speak for itself. If Microsoft sells good products, they will be successful. If they don't (or their competitors don't), they will fail. I urge you to settle the antitrust case with no further delay.

Sincerely,
Margaret Southwell
113 Glenwood Road
Fanwood, NJ 07023

MTC–00019628

From: jeff@sm14.texas.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Nor does it prevent future abuses by Microsoft. Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level. This must be true for all Microsoft product lines before regulation is lifted. Furthermore, Microsoft should be seperated into three or more independent entities that have no hidden relationships. Every other competitor must have equal access to the interfaces between these entities. —

Jeff Hurst

MTC–00019629

From: Andrew Ferguson
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft has done irreparable damage to competition in the computing industry and should not be given such a light ''punishment''. With increased competition, each company will be pressured to produce better products in a more timely fashion, a true benefit to the public.

Thank you for your time,
Andrew Ferguson
Princeton, NJ

MTC–00019630

From: Robert Sanders
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

A fair settlement would require Microsoft to open up the Windows APIs to all comers. That just about says it all. The currently proposed settlement is so full of loop holes that it is not even a slap on the wrist, it is more like a pat on the back. While I believe any company should have the rights that Microsoft is currently attempting to hide behind, those rights must have limits, and in this case those limits are clear and repeated illegal practices by Microsoft. Only with strong action can the harm that has been done to the OS and Office Suite market be rectified.

Robert r. Sanders

MTC–00019631

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov.
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

Please close the Microsoft Settlement as worked out with DOJ as quickly as possibly. Don't let the AOL frivilous suit prolong this case. We need Microsoft's efforts concentrated on helping to stimulate the economy and to continue their many contributions in improving productivity.

Thank you.
William and Stephanie Necoechea
6509 Caminito Catalan
La Jolla, CA 92037

MTC–00019632

From: David (038) Vangie Gardner
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you on a matter of great concern to myself and other professionals in the IT field. As you well know, a proposed settlement between the Department of Justice and Microsoft is before the courts. This settlement would hopefully end the anti-competitive and monopolistic practices of Microsoft Corporation. However, as currently written, I do not believe that this settlement will sufficiently dissuade Microsoft from illegal practices well established by precedent. While there are many areas with which I take issue, I am particularly troubled by the lack of provisions to stop Microsoft from intentionally disabling competing operating systems (OS) and applications. In a private antitrust suit brought against Microsoft by Caldera in 1986, a judge found that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' In that case, a company later acquired by Caldera, Digital Research, created a product called DR-DOS. DR-DOS, a competing OS, used the DOS API underlying Microsoft's MS-DOS OS to run programs written for MS-DOS. Windows 3.1, which also used the DOS API, intentionally included code to lead users to falsely believe Windows 3.1 and DR-DOS were incompatible.

As written, the proposed settlement does nothing to stop this practice. Given its past behavior, there is no reason to believe Microsoft will not react similarly if faced with another competitor. Any settlement should lower—not raise—the barriers to competition. Otherwise, Microsoft can continue their monopolistic practices. For this reason and many others, I strongly encourage you to reject the proposed settlement. America is built on the premise of capitalism. But capitalism cannot function properly if companies such as Microsoft are allowed to stifle innovation with anti-competitive practices.

Sincerely,
David Gardner

MTC–00019633

From: chet(u)rizzuto
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement
To: The Department of Justice Members

Once again I must sit and write respectfully to the Department of Justice about an injustice that AOL is doing to the Microsoft Company. At a time when Microsoft has done everything in its power to settle these law suits placed against them by those who could not compete adequately, namely AOL who has certainly demonstrated their incompetence in the Internet World. This company will not be satisfied until they make every attempt to ruin the reputation of a person who has done more for America than ever will be accomplished by other C.E.O.'s or Presidents. If they (AOL) can expend ten billion dollars and be connected to Warner Enterprises they certainly can not be in dire trouble. No, they just have to continue to use the political position because they truly can not compete with any computer source. I respectfully request that serious consideration be given, once again, to Microsoft to end this fiasco that they have been put through. I am an ordinary citizen (senior) who is tired of the waste of these monies to the courts for no good reason at all. Mr. Case, in my opinion is not a business man and should take his stock and retire from the race. Please, for once, give Microsoft a break. If AOL thinks they are getting shafted let me assure you that I use Microsoft and Netscape so Mr. Case isn't losing anything from many millions who use his product. And I might add that Microsoft has never turned anyone off from using their product with their own.

Very truly yours,
C. R. Rizzuto
Seattle, WA.

MTC–00019634

From: works@itgs-presearch.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:45pm
Subject: Microsoft Settlement

In general the settlement does absolutely nothing to curb Microsoft's growing monopoly nor to curb their anti-competitive practices. In reality it gives the appearance of giving the more loopholes to use to continue business as usual while allowing them to squash competitors along the way. Hhmmmm.

MTC–00019635

From: PAUL PAVLIK
To: Microsoft ATR
Date: 1/23/02 9:36pm
Subject: MS settlement

Hi'

i am a dual US Canadian citizen I am highly concerned that the proposed MS settlement does NOT punish MS, infact it rewards them multifold basically a la steve jobs'' statement Furthermore, all this hastle publicity and etc has not stopped them in their march foward with the same business practices. In fact, things have gotten worse. See cringley's article on busting the software pirates. I urge to to put some teeth into things for all of our long term benifit.

thanks for your consideration.
Paul Pavlik
Computer/Education Consultant

MTC–00019636

From: Louis T Dallara
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

Microsoft is a monopoly please fine the hell out of them !!

Louis T. Dallara CID Infinicon Systems
Tel: 610.205.0986
Fax: 610.205.0488

MTC–00019637

From: Ryan Booker
To: Microsoft ATR
Date: 1/23/02 9:55pm
Subject: break them up for crying out loud!

an OS and an Applications company. That will allow more competition. It's offensive that the most average of all commercial OSes is the market leader.

MTC–00019638

From: David W Binnion
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

It isn't necessary to recount the ways in which Microsoft has stifled competition or used its market penetration to gain a foothold in other markets. The DOJ lawyers did that quite well. Nor is it necessary to point out that Microsoft has a history of ignoring its agreements and doing what it pleases. History speaks for itself there as well and it would only insult your intelligence to do so.

Throughout the proceedings both in and out of court we heard Microsoft officials claim that they were being punished for being successful. We also heard them claim that their ability to innovate would be harmed by a judgment against them. But two facts stand out. First, Microsoft wasn't put on trial for being successful but rather for how it achieved that success. It did it illegally. Second, as an early adopter of computer technology, I cannot think of a single substantial Microsoft innovation. What the company has achieved, it has achieved by standing on the shoulders of others. Of course, this has little to do with the case at hand. The questions are these. Will the proposed settlement cause Microsoft to change its business practices and will the settlement be good for the people of this country. To me, the obvious answer is a resounding no. Microsoft today is acting no differently than it was before the trial. The company doesn't act like a penitent but rather as a victor. The leaders of the company act as if they have done nothing wrong. How then can we expect them to change their behavior? Indeed, Microsoft can only lead one to believe that no behavioral changes will occur. More than one computer insider has stated that even before the ink is dry on a contract Microsoft is already thinking of ways to break it. Such a mindset demands structural changes in the company and the settlement does not provide them. The settlement is weak. It may as well have been written by Microsoft itself. It needs more teeth. Breaking the company into several pieces wasn't the answer—but neither is this settlement.

thank you
David W Binnion
Technology Teacher
Hillsboro High School

MTC–00019639

From: Scott McGookey
To: Microsoft ATR
Date: 1/23/02 9:38pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice, I am writing to express my opinions over the settlement with Microsoft. I feel that Microsoft's anti-competitive practices have caused great harm to our country. I believe that without a stern correction, these practices will continue and cause even more damage. Developers need access to critical APIs in order to create software that can compete with Microsoft's own. Microsoft must be kept from making deals that force resellers from including competitor's software on their computers. Finally, the settlement must not give Microsoft a stronghold on the education market. I believe in our free enterprise system. I believe companies should flourish and innovate, but not with unfair, anti-competitive practices. Please correct this unjustice that has affected every single American.

Sincerely,
James Scott McGookey

MTC–00019640

From: Joe Fessler
To: Microsoft ATR
Date: 1/23/02 7:44pm
Subject: Microsoft Settlement

I would like to take this opportunity to express the disfavor with which I hold the current tentative remedy for the Microsoft antitrust case. In my opinion, the major flaw in the agreement involves the rather vague description/definition of various terms and concepts. An example is ''middleware''. It must be kept in mind that many if not all of the technical terms used in the ''PFJ'' can and will be reinterpreted/redefined as technology advances. Not to mention the tendency to use those ambiguities to circumvent the intentions of the agreement. Many times metaphors are used as convenient tools to explain technical aspects to the non technically inclined. If metaphors are codified into an agreement, so are the opportunities to exploit situations where the metaphor breaks down. Please be warned; references to seemingly concrete things are often not so concrete. The example of ''middleware'' above, is but one of many references to something that may only exist when viewed from a very specific viewpoint. One man's application is another man's operating system component, databases become middleware, middleware becomes OS services and the lines between layers of OS's, applications, and networking are arbitrary in many cases. It's very easy to turn the whole interpretation upside-down if it's in someone's best interest to do so. —

Regards,
-Joe

MTC–00019641

From: Daniel—
Tarsky@PMGSCC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:44pm
Subject: Microsoft Settlement

I disagree with the terms of the Microsoft Settlement. Anybody who remembers having a computer before Windows. would disagree also. Microsoft should simply be put out of business by the government or have management replaced, including Bill Gates. If this does not happen, they will always be looking for ways to demolish anyone who doesn't see things the Microsoft Way. These people are criminals, plain and simple. And the only reason they aren't in jail is because they are rich.

Daniel Tarsky
Asst. DBA/Programmer
Physicians Medical Group of Santa Cruz County
(831) 465–7873
1116 Morrissey Blvd
Santa Cruz, CA 95065

MTC–00019642

From: lindsayd@cisco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: Microsoft Settlement

Dear Sirs,

I believe that Microsoft must be severely sanctioned for its monopolistic actions, and that the Department of Justice's proposed remedy is inadequate. I have been a computer scientist since before Microsoft was formed, and I have watched the company carefully. The actions which were judged monopolistic were in fact entirely typical and normal for this company, and far from the worst of their actions. The pretrial depositions for the ''Digital DOS'' case describe much more egregious actions. (Microsoft settled out of court, so those actions have never been judged.) Any expectation that Microsoft will willingly change its behavior are wrong. The loopholes in the DOJ's proposed consent degree will be fully exploited.

I propose that Microsoft Office be split off into a separate company, and that the remainder of Microsoft be required to publish the actual source for all of its system interfaces.

Donald C. Lindsay, Ph.D.

MTC–00019643

From: Rick Thompson
To: Microsoft ATR
Date: 1/23/02 9:44pm
Subject: Microsoft Settlement

I am writing to comment on the proposed settlement in the Microsoft anti-trust case. I have serious concerns over both the effectiveness and basic fairness of the proposed remedies. My principal concern is that the proposed settlement does not adequately restrain Microsoft from using substantially the same monopolistic tactics in the future that they have used in the case at issue: The practice of using their position to drive smaller companies out of business by giving away equivalents to their product, then incorporating them as a bundle with their operating system, retroactively declaring the new functions as integral to the base product, deliberately intertwining them to make separation difficult, and finally using the ''improvements'' to justify raising the price on the operating system, is not prevented. True, the specific question of this

sort of practice in regards to their web browser is addressed, but that is aleady a fait accompli, and nothing in the settlement truly stops them from doing the same thing again and again, to others, which they are quite obviously in the process of doing. Nor is the practice of using their unique power over over the operating system to make changes designed solely or primarily to render oher companies'' products less useful prevented by the proposed settlement. Part and parcel of this is their use of he same unique knowledge and power to make their own products more effective. Secondarily, I am concerned that the setlement does nothing whatsoever to penalize the company for its prior bad acts—the very ones detailed at length in the findings of fact. Allowing a monopoly defendant to keeop all of its ill-gotten gain, and simply putting weak discouragements against repetition in place goes against the basic principles of justice. This is particularly true with a defendant as determined and contempuous of the process as Microsoft.

I strongly urge that the proposed settlement be rejected.

J. R. Thompson
4815 St Paul Blvd
Rochester, NY 14617

MTC–00019644

From: Ed Griggs / Lynn Griffin
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: Microsoft Settlement

I am writing to express my opinion regarding the Antitrust Case that the U.S. has against Microsoft. I have been a user of Microsoft products and an admirer of Microsoft for many years. It amazes me when I think of how Microsoft has helped increase my productivity at work and my personal enjoyment at home. The amount of work that I can get done now (and how much easier and enjoyable the work is) is significantly greater than 10 years ago, before I had a computer, running Windows, Office, Outlook and many other Microsoft products. And the fun that my family and I have playing computer games and accessing the Internet is tremendous. Without Microsoft and the standards that they developed, much of this would not be possible, or would be much more difficult.

It disturbs me very much that the government has brought this case against Microsoft. These days it appears that success qualifies a company to be a target not only of their bitter competitors who have lost in the marketplace, but the U.S. Government, which is supposed to uphold free enterprise and capitalism.

The public has spoken through the money that they spend on Microsoft products. They recognize the excellent products and excellent deals that Microsoft offers. They have reaped enormous benefits from Microsoft. I resent the government characterizing the public (myself included) as victims of Microsoft and as not knowing what is best for ourselves. The more free companies are to do their work and sell their products, the better off the public is. The public does not benefit from government interference, which stifles company's productivity. I encourage the government to cease these Antitrust cases against companies such as Microsoft. Companies should have the ability to run their business as they see fit and to sell their property in any manner that they desire. This freedom is what the United States of America was founded upon. This freedom must be upheld if our country is to the ideals of the founding fathers.

Lynn Griffin

MTC–00019646

From: Frantard1225@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:49pm
Subject: Settlement

I do not think the settlement with Microsoft serves the American public very well. Thank you. Fran Ard, 613 Hibner Dr., Tupelo, MS 38804

MTC–00019647

From: Mark Blaes
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: I disagree with the settlement

Hello, I was about to pay $50 for a copy of Netscape Navigator when MS made IE free. I remember clearly that I thought it was just plain wrong to force another company out of their primary business. I have been expecting the Government to avenge this clear violation of the spirit of the antitrust laws, but they appear to be political toadies, with no sense of right and wrong.

—- Mark Blaes

MTC–00019648

From: Susan Fountain
To: Microsoft ATR
Date: 1/23/02 9:46pm
Subject: Microsoft settlement

I am opposed to the proposed settlement. Microsoft is STILL dominating the hardware market in that every computer sold is pre-installed with Windows software. I do not understand why I don't have a choice.

Susan Fountain
Dallas, TX 75238–2251

MTC–00019649

From: John Cocking
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

I am writing this email as part of the Tunney Act comment process on the Microsoft Settlement. I am a computer user of primarily Microsoft products because of their monopoly, and I find the current settlement ridiculous. It will do little to nothing to fix the problems with their corporate behavior. In general, its provisions are too narrow and specific, in many cases so specific that it could conceivably fail to cover the next version of Microsoft's Windows Operating System. Even worse, I see no effective enforcement mechanisms in the settlement. The proposed final settlement should not be adopted without serious and substantial revision.

Sincerely,
John Cocking, Greensboro, NC.

MTC–00019650

From: Saxerman
To: Microsoft ATR
Date: 1/23/02 9:50pm
Subject: Microsoft Settlement

As per the Tunney Act, I would like to comment on the proposed Microsoft settlement. I find the Proposed Final Judgement (PFJ) rather weak when compared to the legal agility Microsoft has already displayed inside and out of the court room. A number of overly broad definitions in the PFJ would give Microsoft more than ample room to evade most if not all of the important restrictions on their anti-competitive practices. The most obvious definitions problems can be seen over the terms ''API'', ''Microsoft Middleware'', and ''Windows''. For a more detailed list of problems with the PFJ I would recommend reading Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

Sincerely,
Michael Gill, Programmer/Analyst, OpenFirst

MTC–00019651

From: John Beveridge
To: Microsoft ATR
Date: 1/23/02 9:51pm
Subject: Microsoft Settlement

As a home user, I have found over the last several years an increasing trend by Microsoft to eliminate the usability of non-microsoft software, notably Netscape, QuickTime, and AOL. Whatever the reason given by the company, there is no doubt that I have increasingly seen Microsoft try to lock out anything that represented a threat to them or an area where they felt they could establish dominance. That trend is currently evident with the development of their proprietary Windows Media File. The standard for audio encoding is MP3, yet they will force people to adopt a standard that is not based out of merit but rather because their market share allows them to make decisions for consumers. Because the company has a world wide market share of nearly 96% of all consumer desktops there is no possible way for real competition or development to take place that is not sanctioned by the company and as such does not represent the protection of my rights as a consumer. The failure to address the issue only emboldens them to continue. If it is the intent to create a competitive and viable community where the consumer has the advantage of technology and pricing as a result of competition among various vendors than it is clear that the issue must not be addressed in a manner that is not punitive toward the Microsoft Corporation. There is no way to restrict a monopoly without damaging it in some way and any action that does not eliminate the monopolistic power of Microsoft is punitive action taken instead toward the consumer.

John Beveridge

MTC–00019652

From: jim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:52pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns over the Proposed Final Judgement (PFJ) in the Microsoft Anti-Trust case. The PFJ fails to

address many technical issues and marketplace realities, leaving Microsoft free to continue its malfeasance, different in method only, if at all. The PFJ fails to protect the interests of the public. Of all the many issues I have with the PFJ, I object most strongly to the failure to provide a method of enforcement, which means the courts become by default the method of enforcement. This is unsatisfactory as it permits Microsoft to employ anti-competitive practices (and the vague terms of the PFJ allow for many such opportunities) until such time as the matter may be resolved in court. If the delay caused by litigation forces a would-be competitor out of business (rather likely in the rapidly evolving world of commercial software) Microsoft wins, regardless of the court verdict.

In short, any settlement must provide for a quick method to address violations of that settlement. The Technical Committee is a good start, but they must be given power to sanction.

Sincerely yours,
Jim Gamble
Warrenton, VA

MTC–00019653

From: Nathaniel Smith
To: Microsoft ATR
Date: 1/23/02 9:48pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am a US Citizen currently resident in Piedmont, California, and am writing to state my displeasure with the proposed Microsoft settlement. While there are many problems with it currently (e.g., I agree with all of the points made by Dan Kegel in his ''On the Proposed Final Judgment in United States v. Microsoft'', http://www.kegel.com/remedy/remedy2.html), I would like to highlight one in particular.

That is the way the proposal neglects to include any remedy with regards to Microsoft Office, or to say anything about document formats. As an academic, consumer, and programmer, I have been increasingly frustrated by the practical necessity to use Microsoft products in order to read papers, view presentations, and generally exchange information with those around me—Microsoft's monopoly implies that many documents are only viewable using Microsoft's software. There are other programs which attempt to make the content of these files available, but they are extremely hampered (generally to the point of uselessness) by Microsoft's refusal to document the file formats. The settlement should include Microsoft Office in its definition of Middleware (as the definition used by the Finding of Fact does), and apply all the concomitant remedies. Moreover, Microsoft should be required to document its file formats, as otherwise consumers and organizations are forced to continue to use Microsoft Office to maintain compatibility with anyone they wish to exchange documents with, and no competition is introduced into the marketplace. In my personal experience, the use of Microsoft software is frighteningly often a prerequisite to entry in the marketplace of ideas, and the proposal does nothing to remedy this. There are many problems with the current proposal; as it stands it will not bring relief. I support any changes which favor Microsoft's competitors, and in particular any changes which will increase competition in the office product market—keeping in mind that in this area, interoperability is a prerequisite to competition.

Thank you for your time.
Nathaniel Smith
121 Fairview Ave.
Piedmont, California 94610
Phone: (510) 654–5584

MTC–00019654

From: Freiheit
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:45pm
Subject: Microsoft Settlement

The current settlement before the court in the Microsoft anti-trust trial is an atrocity to the computing industry and to consumer choice. When Microsoft appealed District Judge Thomas Pennfield Jackson's ruling, the Court of Appeals upheld his judgement that Microsoft violated anti-trust laws and is holding an illegal monopoly with their Windows operating systems.

Such a ruling by the Appeals Court cannot go unpunished, but the current settlement made between the US Department of Justice and Microsoft Corp. will utterly fail to punish Microsoft for their illegal monopoly practices. I cannot count the times I have heard Windows users complain about instability and insecurity in Windows and comment that they want something better. However Microsoft's stanglehold ont he market and their proven illegal tactics have consistently crushed all quality competition (IBM's OS/2, Be Inc's BeOS, Apple's MacOS which despite three years of growing popularity still holds less than 10% of the home and business PC market and which, believe it or not, includes a number of Microsoft programs such as Internet Explorer an Outlook Express). Not only is Microsoft monopolizing the IBM-compatible PC market but they are also stifling innovation and competition in the Macintosh PC market by cutting off system preload deals for other web browser and email developers.

The American people are sick and tired of Microsoft and Windows but virtually powerless to do anything to change the situation because the US Department of Justice refuses to punish Microsoft for their proven illegal business practices. The US Department of Justice has sold out to big business.

Theodore Roosevelt must be turning over in his grave.

MTC–00019655

From: Paul Tackett
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

I am a concerned citizen and a concerned consumer who wants to speak out about the potential settlement with Microsoft. I believe that it would be irresponsible of the government to allow Microsoft to continue doing business as it has done over the last decade. Unfortunately, the proposed settlement does not do enough to encourage Microsoft to alter those practices. Microsoft is well-known for its predatory practices against rival companies and its aggressive maneuvering against start-up companies who bring innovation into the market place. Microsoft has overstated its role as an innovator in the technology sector: many of their ''innovations'' are actually adaptations of other technologies. Two primary examples that illustrate this point are Microsoft's copying of the ''look and feel'' of the Macintosh operating system in their implementation of Windows 95-Windows ME, and Microsoft's copying of the basic Internet browser and destroying of a viable business model of their competitor, Netscape. Microsoft has done considerable harm to innovation by the use of their aggressive tactics. I understand Microsoft's importance in the modern economy. Microsoft is a widely held stock and many Americans rely on this stock for security in their portfolios or retirement plans. Unfortunately, the costs that the consumers face in the future has much greater down-side for Americans and world consumers. For instance, In January 2002, an internal Microsoft memo was leaked to the public in which it was made clear that Linux is now a clear target for the use of aggressive business tactics. This indicates that Microsoft has no serious interest in modifying their past behaviors. If the Department of Justice allows a prescedent to be set now that is as lenient on Microsoft as this settlement is, Microsoft will be less fearful of any actions in the future. This should concern us all. Please remember the opinion of this concerned, voting citizen during your deliberations about the best method to ensure security for the consumers and protection for the values of a market system where competition is encouraged, not suffocated.

Paul C. Tackett
743 Cambridge Drive
Battle Creek, MI 49015–4601

MTC–00019656

From: Steve Nelle
To: Microsoft ATR
Date: 1/23/02 9:49pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my distaste with the proposed US vs. Microsoft settlement. The area that I am most concerned about is the lack of provisions to correct the anti-trust violations that were determined by the U.S. Circuit court in DC The provisions do not allow third-party developers the same access to the Windows API as currently enjoyed by the Microsoft developers, nor do they restrict Microsoft from unilaterally changing those same API's in such a way that causes other applications to break (such as Samba, Netscape, etc.).

Steve Nelle

MTC–00019657

From: Fox Stephen
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I'm writing to add my voice against the proposed settlement between the DOJ and Microsoft in the antitrust case.

Its my opionion that the proposed settlement will do nothing to restore competition in the market and that it will only serve to reinforce Microsoft's monopoly. I vote against the settlement. You should listen closely to statements made by Barksdale of Netscape and comments from Dan Kegel. The software industry has endured a long night against an entrenched monopoly who has and continues to act illegally to preserve and extend that monopoly. Continued Litigation is preferable to this settlement. I am a US Citizen

Stephen Fox
13241 Norton Avenue
Chino, CA 91710

MTC–00019658

From: Robert J. Krum, M.D. 503–571–5648
To: microsoft atr
Date: 1/23/02 9:48pm
Subject: MICROSOFT SETTLEMENT

I did not write the following letter, but it summarizes my concerns:

''I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.''

Sincerely,
Robert J. Krum, MD

MTC–00019659

From: Andrew Hagen
To: Microsoft ATR
Date: 1/23/02 9:56pm
Subject: Microsoft settlement

I think it's a bad idea. It lets Microsoft off too easy.

Andrew Hagen

MTC–00019660

From: Christopher L
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

To Whom It May Concern,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I, as do many others, agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). If this settlement is allowed to go through in its present state it will only confirm the fact that Microsoft is able to do as they please and then buy their way out of it after the fact. Please DO NOT allow the travesties committed by Microsoft against not only their competitors but computer users worldwide go unpunished. Something must be done, and it must be done now. I thank you for taking the time to read my e-mail and I trust you will take it into consideration and do the right thing.

Christopher L. Carlevato

MTC–00019661

From: Candacehawthorne
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: I Don't Get It

Dear Attorney General Ashcroft,

I am still puzzled how Microsoft is harming anyone. All I see are corporations that can't compete on their own merit. I have use Microsoft and Netscape. I try all new products and always go back to Microsoft because it's just better and easier to use. I don't feel a case ever should have been brought against Microsoft from the Clinton administration. The DOJ has turned Microsoft into the days free money bank. It's like putting up a flag FREE MONEY, just file your court papers. This is criminal what America is doing to it's best and brightest corporation. Bundling is necessary and without Microsoft technology would not be where it is today. We should be thanking Microsoft not killing them. It's weighing down the entire stock market all these law suits. Lets get this over with, can't the process be made so Microsft won't keep facing a bottomless pit of law suits.

Sincerely,
Candace Hawthorne
New Orleans, LA

MTC–00019658

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Christopher L. Carlevato

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To: Microsoft ATR
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Sincerely,

Candace Hawthorne
New Orleans, LA

MTC–00019662

From: Tim
To: Microsoft ATR
Date: 1/23/02 9:52pm
Subject: Microsoft Settlement

I am offended and very angry with the proposed final settlement. This settlement does not have any significant affect on Microsoft monopolies. Note that I spelled monpolies plural because Microsoft has a much larger range than most seem to notice. Microsoft has unrestricted and illegal monopolies in the following and other catagories: Operating Systems, Desktops, Internet Software(Primarily Browsers), Development Tools(Primarily Microsoft Visual C++), Office Software, Development API's, and Game Development Tools and API's. Most Microsoft products have been PROVEN to be inferior to competetion, but because of Microsoft's monopoly(or more accurately: stranglehold) over the the areas of competetion. Most consumers do not truly have a choice of products. Because of Microsoft's dictator position most people respect and believe Microsoft without much doubt. Microsoft can easily spread lies about competetion. Microsoft's existance has succeeded in damaging the software industry and lowering and destroying standards. Competetors do not have a equal chance for a customer because of Microsoft's marketing power and size. Much of Microsoft's sales in operating systems are in Windows pre-loaded systems. Microsoft has ABSOLUTE and COMPLETE control over pre-loaded operating systems. All stores selling PCs with pre-loaded Operating Systems, offer ONLY PCs with Microsoft Windows pre-loaded, offering a superior competetor NO chance in this area. By loosening Microsoft's control over icons and short-cuts on their OWN operating system, you do not affect their position at all! Microsoft's monopolistic practices include keeping Windows software from existing on other operating systems. One of which is a Game API/SDK called DirectX. This is of a large concern to me being a game developer(Programmer and Designer). Microsoft establishes DirectX(Which is a inferior API) as the only available core API for games and since it is property of Microsoft, Microsoft has control over the games.

Microsoft uses the fact that it has established enough control over the game industry to force DirectX to be used in most games so that they can keep the games from possibly being ran on another operating system. A good addition to a final settlement would be to port DirectX to Linux and possibly other operating systems. It is important that Linux be the primary OS because it is the only fit competetor and the most widely used(except for Windows of course).

A harsh settlement must be purposed for this case!! This current settlement allows Microsoft to continue its monopoly without many problems. If this settlement is not replaced or admended by a harsher settlement, Microsoft could further damager or even destroy the software industry! I am outraged by the court's failure to care about a proper punishment for such a company/empire!

MTC–00019663

From: Scott Schrader
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: Microsoft Settlement

I have been agahst that the Department of Justice would basically bow to Microsoft yet again in another premature settlement against Federal antitrust law violations. Microsoft is not just another competitor, they are a sledgehammer tightening the vise around the sensitive parts of everybody in the Intel-compatible PC business. It is not possible to punish Microsoft with a ''conduct watch'' on past findings of this case, because the dynamic and hyper-speed technology has already moved on. Limiting their plugins and browser distribution will not make a difference.

Right now, Microsoft is trying to hijack the Internet. Through their usual use of non-standard ''standards'' and bogus polls, like the ZDnet England poll on use of Java versus ''dot-net'' technology preferences in software development, Microsoft is trying to direct businesses to put their order, service, procurement, and customer support standards on ''dot-net'' proprietary technologies. Technologies that Microsoft will only permit full support on in their own Windows operating systems. Which will kill all trusted transaction systems in Unix and other solid, secure real-time capable operating systems. Only extreme niche products, like the stock industry clearance system with its unique and desperately-real-time crashingly-heavy transaction load will have any traction against Microsoft. In addition to which, Microsoft has finally admitted in a Bill Gates strategy letter in the past week, that they have a wide-open system that is not safe or secure at all, and the company needs to change its primary focus to nailing the barn doors shut to slow down the hacker parade through MS-powered sites.

I believe the only possibility of effective remedy against Microsoft is a structural remedy, and as a resident of Minnesota, I prefer something along the lines of the nine dissident States requiring a breakup of the Microsoft cartel along business lines. If that is not done, as one Tom Toles cartoon had it, Microsoft will have integrated the US government, and it will be an icon in the corner of the startup window.

Scott Schrader
376 Labore Road #212
Little Canada, MN 55117
January 23, 2002
I have been computing since 1975.

MTC–00019664

From: Barbara
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement
To who this may concern:

Subject:Netscape's antitrust suit against Microsoft I would like to express my opinion reguarding this issue. As a user of both netscape and explorer i find that is is very difficult to obtain a copy of netscape and explorer is auto maticlly there. I personlly perfer the user interface of Netscape over Explorer. Since Netscape is the most use browser it should come already installed on the PC's along with exploerer. Microsoft already has the opereating systems under wraps it not right for them to have all the peripheral software as well. It seem they want us consumer to forget that there are other products out there. Out of sight out of mind. It would not be hard to allow us the ability to choose. It a real pain to have to down load it from the interenet.

Back when we use DOS it never interfered with the programs it simply allowed us to access them and use them. Now you can't do any thing with out Microsoft strong hold. Its like we are at their mercy—like an ''electronic hostage'' kept in the dark about anything out there that could be have value.

Barb

MTC–00019665

From: Bryan Landsiedel
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you,
Bryan Landsiedel
1030 Fairview Dr.
Lawrenceburg, IN 47025

MTC–00019666

From: Dan Lowe
To: Microsoft ATR
Date: 1/23/02 9:46pm
Subject: Microsoft Settlement

I'm writing to express my concern about this settlement. It seems to me that under the proposed plan, Microsoft will be given a convenient way into the low-income education market, a market it currently does not control.

Why does the settlement work to actually extend their territory? Isn't part of the problem the existing scope of Microsoft's power? I don't feel it makes sense to reward Microsoft for their behavior. This is sort of like handing a bag full of money to a convicted thief and then handing him the keys to your car. What is going to happen in a few years when the operating system and applications on the computers that these schools are given are hopelessly out of date? Microsoft will have a guaranteed source of income, because these schools will be forced to pay Microsoft's upgrade fees. These schools, by definition, can not afford to do so. This settlement puts money in the hands of Microsoft at the expense of the school districts. If you are not familiar with the proposal that Redhat Software has made, you can read about it before continuing with my letter: http://www.redhat.com/about/presscenter/2001/press—usschools.html

I support Redhat's proposal, simply because:

A) it means that more computers can be purchased overall, which is a good thing all around.

B) it means that when it comes time to upgrade the operating systems and applications on these computers, the schools will not be forced to pay Microsoft's upgrade fees. They will be able to upgrade at no cost (other than the cost of having some human being perform the work of upgrading—a cost that would be entailed in the original proposal anyway). Permitting Microsoft to push its way into yet another market, extending the very monopoly power that we seek to control, is an unacceptable solution. (I am not affiliated in any way with Redhat Software, nor do I own any stock in their company or any related company).

Thank you for your attention.

Daniel M. Lowe
Senior Internet Systems Engineer
P.O. Box 5725
Willowick, OH 44095
(216) 272–6834

MTC–00019667

From: Neal Roscoe
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

To Whom it may concern:

I urge you to take specific action against Microsoft for the laws it has broken and most importantly for the laws it will break if it is not handed a stiff penalty. The proposed settlement is a slap in the face to consumers, the law and Microsoft's competitors by allowing Microsoft to gain further market share in the education market, the one area it does NOT have a monopoly. They should be forced to give their money to a fund that buys Apple or other non-Windows products.

This company has proven it will do whatever it takes to gain market share and sell more products, even it it means taking steps that are anti-competitive and hurtful to the consumer.

Please stop Microsoft's unfair practices ASAP. —

Neal Roscoe
13017 Woodbridge St.
Studio City, CA 91604
818.986.4633

MTC–00019668

From: Skimble Skamble Adept
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

To whom it may concern,

I do not feel that the proposed settlement properly reflects on the misdeeds of Microsoft in abusing its monoply. Leveling the field between it and its competitors by lowering the switching costs among them seems more of an appropriate remedy.

Thank you,
Phillip Hankins

MTC–00019669

From: Chris Phoenix
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. It does not do nearly enough to correct the wrongs that Microsoft has done in the past. Microsoft has benefitted in both earnings and market share from activities that are simply illegal. Much of Microsoft's money was earned at the direct expense of other companies, many of which are now bankrupt. Any settlement that allows Microsoft to keep the illegally earned portion of its money, and does little to strengthen the other companies that are struggling under the unfair burden of an overly-funded overly-competitive monopoly, cannot be in the public interest.

Sincerely,
Chris Phoenix
M.S. Computer Science, Stanford ''91

MTC–00019670

From: C Lovejoy
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

Regarding the Microsoft Settlement: As a long time user and early adopter of personal computers, I believe that the Microsoft settlement is fair and we the people, including the US Government should move on to more productive use of tax dollars. Microsoft has clearly demonstrated actions and willingness to do more than required to ensure a competitive environment. The reason Microsoft products have done well is through hard work and constant improvement to win out! For example, let's remember the early spreadsheet ''war'': First there was VisiCalc—an instant hit in the market Then there was Lotus 123, which took the lead through improved features. Later there was Borland's product that had great graphics and could emulate 123 to make a switch easy (I think Lotus tried the legal means to stop Borland from using 123 menus.) Microsoft tried to beat out Lotus 123 with Excel, but lost on the first try because the product was not attractive to users It took a lot of R&D, and 4 versions before Excel from Microsoft could offer better features. I was a devoted 123 user and thought I would never consider Excel. Eventually the features of Excel got so good I gave it a try and finally converted as it could help me more at work and home projects.

I went through the same experience with the Netscape browser. It took a lot of convincing and product revisions, but I finally found the features in Microsoft Explorer and continued improvements to Explorer better. My decision was based on features, not price (both were free). If Netscape and later AOL/Netscape had put more R&D into the product, it would still be on the top of my list! So please, put all this to one side and move on. Perhaps in the future some other product will win my respect... Until then, I go for the best featured product, regardless of the creator!

Charlie Lovejoy

MTC–00019671

From: Lisa McGraw
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: Microsoft Settlement

It seems contrary to anti-monopolistic efforts to enforce against Microsoft a settlement which not only allows, but encourages, an increase in their user base. It would be more appropriate to compel the company to provide competitors'' products.
L. McGraw

MTC–00019672

From: Kevin Smith
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft settlement comments

I have been following this case against Microsoft, and have followed various other legal actions against that same company. The proposed settlement is certainly not fair or helpful.

Microsoft has proven repeatedly that they are able and willing to disregard rules and laws. They have broken their own past agreements with the government. They will exploit any loophole, and have nearly infinite money to battle in court. This settlement does nothing to punish Microsoft for their illegal behavior. It does little if anything to prevent future transgressions. It won't really help competitors, nor will it make much difference for consumers. I urge you to go back and create a stronger and more enforceable solution.

Thanks,
Kevin Smith
US Citizen
Foster City, CA

MTC–00019673

From: (Paul Hounsell)
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

To Whom It May Concern;

While I am not an American citizen I would like to respectfully submit the following for your consideration. Since Microsoft has proprietary file formats for its office documents I am forced to buy a computer with Microsoft products on it if I want to share documents with other businesses. I have no choice really and to make matters worse, once any company upgrades its Microsoft office products, then everybody is forced to do the same just so businesses can continue to share documents. If Microsoft was the Ford motor company, then everybody would have to drive Fords on a Ford-only highway. No other choice allowed. If you choose to drive a GM then it may or may not work on the Ford highway, but none of your cargo would fit inside right, if at all. Also you would not be able to share your cargo with a Ford.

I would like to propose a punishment on Microsoft that would totally open the Windows market for other companies to offer a wide variety of products. The issue is; how are Word, Excel, Power Point, etc documents formatted. If Microsoft were forced to make public the file format structure of its office products then any company would, for example, be able to write a word processor that could read and write Word documents properly and customers would have a choice as to what word processor they use. The same is true for all Microsoft office products.

To be fair the law should be such that any software company that own more that 70% of a market segment should have to do the same. Of course if the software is ONLY used in a national security application then that software should be kept secret.

Thank you for your time
Paul Hounsell
Osgoode, Ontario

phone 826–1745

MTC–00019674

From: EarlyTrekker
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

To whom it may concern,

I have followed this subject with interest from the beginning. Except for Judge Jackson's public statements which were less than jurist prudent his findings are consistent with the evidence presented. Is there no Anti-Trust law enforcement anymore? Heck even a second Federal Judge has struck down part of the settlement agreement which would require Microsoft to ''supply'' (read low cost advertising) computers to Public schools.

Just remember that while —you— have to take the political heat now. You will also have to —live— in the Society that is saddled with the outcome of this case. Chose carefully, choose wisely. Microsoft has —clearly— conducted business in a predatory fashion and should be required to pay the price.

The price we —all— will pay is only —higher— the longer justice is delayed.

John K. Bullock
Knoxville, TN

MTC–00019675

From: Paul Mugar
To: Microsoft ATR
Date: 1/23/02 9:58pm
Subject: Microsoft Settlement

I am in favor of the proposed settlement of Microsoft with the DOJ and the bipartisan group of State Attorneys General in the original antitrust case. Please do not be distracted by extraneous matters.

Sincerely,
H. C. Mugar
2 Inez Street
Camarillo, CA 93012–8104
(805) 482–5327

MTC–00019676

From: Erylon
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft Settlement

No! I see little in the terms of this settlement to prevent Microsoft Corporation from continuing to bully small and large companies to adhere to their system. I see nothing that will prevent Microsoft from developing proprietary file extensions, thus preventing non-MS companies from developing programs and systems that can co-exist and compete with Microsoft. I see nothing that will prevent a company that controls over 90% of the desktop market from continuing to leverage that market by preventing competition by keeping their system's base code and extensions secret.

sincerely,
e. hines

MTC–00019677

From: Ron Price
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

This is to speak in opposition to the proposed Microsoft Settlement with the U.S. The remedies will have little or no real effect on Microsoft's monopoly of computer software.

Sincerely
Ron Price

MTC–00019678

From: Jacob Dorsett Miller
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Dear Sirs;

Dear Sirs;

I am continually dismayed by the lack of consideration for the consumer which is shown by the Microsoft Corporation, while at the same time they blatantly disregard laws of the united states which were designed to protect competition and innovation. In the past when corporations formed monopolies and used them to stifle creative advancement in their industries the Government has stepped in to make sure that the greed of individual corporations does not harm the process of technological progress. However in this case it seems that the greed and disregard of the corporation in question is reflected in the greed and disregard of the administration which has insisted upon supporting the corporation because they themselves are businessmen who wish they were in the position of Microsoft. I fear that this is the beginning of a new period of corporate opression of the populace. But if my fears come true, unlike the previous centuries, this time the corporations will not only enslave the people through corrupt control of the government and the economy, they will control information and stifle free speech and expression to serve their own greed and ambition. It seems that it may already be too late, and that corporate influence on the government may have already reached the point where the good of the people is never considered at all. I have been forced to use microsoft products before, but I have never installed any of them on my personal machines, nor will I ever if I can help it. Their inferior nature puts at jeopardy national security and the security of everyone's data. They use their position of monopoly to force inferior products down the throats of manufacturers and consumers alike, and yet the government backs down from its challenge to these practices. Apparently money is all that matters to this administration.

Thank you for your time,
Jacob Miller

MTC–00019679

From: Monterey Gardiner
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Monterey Gardiner

MTC–00019680

From: Richard MacLeod
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: Microsoft Settlement

Microsoft has been hurting the industry by starving inovation. No company can or will compete with them. Free market forces are not working. Will the Government have to act again in another five years?

Hopefull.

MTC–00019682

From: Jorge E Solorzano
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: ''Microsoft Settlement''

Greetings,

As a user of both Netscape (including the gold edition) and Explorer (I tried 3 revisions of both before deciding which software to use), I experienced more performance to my needs and better service from Microsoft at a much cheaper cost. This in itself makes me believe that Microsoft has a very competitive mentality that has an advantage over their competition. That is a good thing, however, will that help this countries growth/economy through reduction of employment (Netscape's employee's) and/or less competition? The other question that comes to mind is the consumers interest in upgrading if costs increase especially at a time of uncertainties in the economical conditions (iExploer is separated?), hence impacting a larger employment pool. Well, this tells me that compromises are needed to insure the pain of the economic downturn and upsides are equally available, and competition is needed to progress the stress of drive to continue development needed in this country. With those thoughts, I have a hard time buying that AOL/Netscape has right to sue Microsoft for the amount their asking on laws that were not in USA's law or records. Why should Microsoft be punished for Netscape's failure to develop employee commitment to compete (Values)? At the same time, I do have to question whether Microsoft's delay's added to the damage of competition. to increase their own

gains. What a tough decision. Well, I think that there is a compromise somewhere in there. I do hope Netscape gets some compromises (but no advantages over iExplorer, but equal) to software integration into Windows OS agreements and maybe some $ damages for prolonging this courts development at their competitions costs, but no where near what they're asking. I'm not associated with either Microsoft or AOL/Netscape. I am not a Lawyer or educated in law, other then common public knowledge. I did feel that maybe my opinion would count. Thanks for reading this far! :-)

Regards,

Jorge

MTC–00019683

From: Anthony Spadaro
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: comments on MS

Hello-

I've been around computers for 22 years now, growing up in the days when Microsoft wasn't the giant monopoly it is today. I'm very upset at how little has been done to Microsoft because of it's bullying tactics. It's unfair that a company that claims to innovate, only does it when it's being threatened, and then the monopoly just buys out the competition, then crushes the remains and removes the ideas then claims it as it's own. A perfect example of this is Microsoft buying the SGI code for Open GL. If something isn't done, the way that Microsoft will deal with this is by getting rid of it's Direct X competition (Open GL). This hasn't been the first time this has been done.

I guess what I'm trying to get at here is that Microsoft is a monopoly in the worst way. They are buying their way out of paying the price for breaking the law. It's unfair to other companies trying to make the PC industry the wide, free, and innovated space it was years ago. Not to be so sarcastic, but here is how most people see the way things are going, you can apply this to almost any company:

1) It finally goes to court after a year

2) Microsoft appeals and tries to delay every court date

3) Microsoft is found guilty

4) They appeal

5) Two years have passed

6) More Microsoft products dominate the market

7) Microsoft settles with an arbitrator for $10 million

8) company is pissed

9) Microsoft wins

Please do something about this. I don't want my future to be dominated by Microsoft. I can live with them, but not with the strangle hold they have currently. I think a firm judgment would be just. It's the right thing to do.

Thank you for allowing our comments to be heard

Anthony Spadaro

MTC–00019684

From: Steve K
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

MICROSOFT IS BAD. DONT ALLOW THEM THE FREEDOM TO BE A MONOPOLY. THEIR UNDER-HANDED DEALINGS HAVE GONE ON TOO LONG. DONT GIVE IN. MICROSOFT ARE GUILTY.

MTC–00019685

From: Barbara
To: Microsoft ATR
Date: 1/23/02 10:10pm
Subject: Microsoft Settlement

To who this may concern:

Subject:Netscape's antitrust suit against Microsoft I would like to express my opinion reguarding this issue. As a user of both netscape and explorer i find that is is very difficult to obtain a copy of netscape and explorer is auto maticlly there. I personlly perfer the user interface of Netscape over Explorer. Since Netscape is the most use browser it should come already installed on the PC's along with exploerer. Microsoft already has the opereating systems under wraps it not right for them to have all the peripheral software as well. It seem they want us consumer to forget that there are other products out there. Out of sight out of mind. It would not be hard to allow us the ability to choose. It a real pain to have to down load it from the interenet.

Back when we use DOS it never interfered with the programs it simply allowed us to access them and use them. Now you can't do any thing with out Microsoft strong hold. Its like we are at their mercy—like an ''electronic hostage'' kept in the dark about anything out there that could be have value.

Barb

MTC–00019686

From: Bonderman, Colin Lee
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:05pm
Subject: One mans complaint against the proposed settlement

Dear sir or madam,

It has reciently been brought to my attention that the department of justice intends to deal microsoft a slap on the wrist in the form of a weak settlement. I strongly protest this on many different levels, however, i will restrain my comments to just one. Too many companies in this country have the attitude that there is no reason to fear the laws of this country. The attitude, it seems, is that any illegal action can be dealt with by simply either donating money to the right politicians, shreding the revelent documents, or litigating the dammages down to nothing. Ive seen this time and time again and i can tell you that most people i talk to feel that the government only exists to serve big corporations and that the laws that are ment to protect us are meaningless. Please do your part to reverse this bitterness; deal out a real punishment to microsoft, not just a wink and token fine.

thank you

colin bonderman

MTC–00019687

From: Robert J Hilliard
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Why are we punishing MIcrosoft for doing a good job?

Why do we want to punish Microsoft for doing a better job than the rest of the competition? Is there no one out there that can compete with better quality products and services? If the government wants to help, don't punish Microsoft. If anything, help out Microsoft's competion. In the long run, the competition will then be better off, which is pretty much all that they want isn't it? Microsoft will get that much better and still beat the competition. How we can criticize Micrsoft making deals with PC manufacturers to sell PC's packaged with Windows. Should we also criticize Coke and Pepsi for making similar deals with fast food chains? I'd like a Coke. Sorry... is Pepsi OK? Isn't this just all cold, hard business competition? I have been using a Microsoft operating system since DOS 2.0, but never felt pressured or forced into it. Until they got a lot of the Windows bugs worked out, I kept using DOS. And I used to wonder why MS-DOS was the main operating system available in stores. It became obvious to me that Microsoft made better business moves than the rest of the competion, plus they supplied an acceptable quality software product that was being continuously improved.

When I began browsing the internet, I started by using Mosaic on Unix, then Netscape on Unix, then Netscape on Windows 3.1. I was a Netscape holdout for a long time, through WIndows 95 and then Windows NT 4.0, until Explorer simply got better than Netscape. I didn't feel pressured or forced into making the switch from Netscape to Explorer.

MTC–00019688

From: Gary Benson
To: Microsoft ATR
Date: 1/23/02 10:05pm
Subject: Microsoft Settlement

I disagree completely with the settlement.

Gary Benson

MTC–00019689

From: Daniel J Hannum
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

To Whom it May Concern:

The proposed settlement against Microsoft is insufficient simply because it does nothing to stop one of Microsoft's most effective means of leveraging their existing monopoly: the matter of secret formats and interfaces. It is entirely too easy for Microsoft to make the next version of Windows use some core ''technology X'' but nowhere does Microsoft ever document what ''technology X'' is or how to write a program that interfaces with it. In this way, Microsoft will always have the better product because they are the —only— company that has the proper documentation of how to use ''technology X''. Everyone else must simply guess. They should be required to publish complete documentation for all protocols and file formats.

Thank you for your consideration.

Daniel Hannum
Computer Science Department
Carnegie Mellon University

MTC–00019690

From: Matthew Morgan
To: Microsoft ATR

Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

Dear DOJ,

I am writing to express my deep concern with the Microsoft anti-trust case. I am a teacher and academic, with a concentration in internet technology. I wish to add my comment to the great body of criticism already compiled against Microsoft and its practices. Their behavior has been consistent and utter disregard of the welfare of the computer and IT industry, and the consuming public. The US DOJ must not back down from the more aggressive stance it held only 2 years ago. The most recent offers from the DOJ have been spineless, and seemingly politically motivated (with the shift in approach with the entrance of G. Bush).

Again, I recommend that the DOJ pursue the anti-trust issue to the limits of the law and demand that Microsoft be restructured to eliminate the risk of the business exerting its domineering monopoly presence on the rest of the industry. It is bad practice for the market, bad for the consumer, and bad for the development of technology. Monopolies are inherently anti-competitive, and anti-democratic. Technology, once forced under monopoly driven development, will always stunt technological progress. Please push towards a complete punishment and prevention program, allowing even for the break up of Microsoft. Do not accept any settlement from Microsoft, I wouldn't trust them as far as I could throw them.

Thank you
Matthew Morgan
4445 Old Gravenstein Hwy So
Sebastopol, CA
95472
(707) 829 2247

MTC–00019691

From: Shawn Allen
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft settlement

I feel the judgement is a very bad idea.

MTC–00019692

From: Bill Nowlin
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

Your Honor:

I have been a computer user since 1985 and using the Internet since 1993 for both business and pleasure. I have generally been satisfied with Microsoft products as far as operating systems go, beginning with 3.1 through Windows 2000. However, when Windows 95 did not give you ann option on whether-or-not you wanted to load the Microsoft Browser and eMail, I was rather upset because I was already very pleased with Netscape Navigator and Communicator. What upset me was that I did not have a choice and had to waste hard disk space on a program that I was never going to use. I searched the Web and found a shareware programs that would allow one to remove most of Microsoft Explorer from my hard disk, saving around 30Mb of hard disk space (Windows 95 and 98 only to the best of my knowlege).

It also seemed that with many other software packages I wanted to use, it was a requirement that I be running Microsoft Explorer. Needless to say, I went with out those programs because I did not want to load up my hard disk with Explorer. Today, I use Window 2000 Professional as my operating system. I have Explorer and Outlook Express loaded only because I had no choice if I wanted to use 2000 as my OS. I am still using Netscape as my browser and email system. (an added feature to using Netscape is that no one seems to target Netscape with virus's—no VBE running in the background). As a person who is in the electronics industry and believes that competition makes products better and more affordable to the masses, I urge you to uphold the AOL suit against Microsoft for their Marketing tactics—that is, eliminating competition by not giving people the opportunity to make a choice of which Internet Browser to use. Thank you for your time in considering this very important decision concerning free trade.

Respectively,
Bill N.

MTC–00019693

From: Jenn Vesperman
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

I am not a US citizen, so you may choose to throw this letter out. However, in the case of global countries like Microsoft, decisions the US makes can affect us all. I am not a US citizen, but I am a citizen of the world, and a regular denizen of the Internet. I and my husband are among the people who keep it working—people who really understand the underlying technical issues. People who care about it, and who do the equivalent of repairing the roads and keeping them clean. If the Internet is to remain a truly global entity, and if it is to remain as inexpensively accessible as it currently is, those of us who work on it in our spare time, for free, need to continue to be able to do that.

Our work is against the commercial interests of larger computer software companies, such as Microsoft. As it currently stands, much of the work of maintaining the Internet can be done by people who have never paid for proprietary certification—we have simply gone to our local university and studied computer science. We don't need to have their particular operating system—we can use any operating system we like. We don't need to use their software—we can use any software we like. This freedom makes it possible for us to do our work, without having paid a ''tax'' to the major companies. And THAT makes it possible for us to do it for free—for ourselves, for charities, for programs that give computers to schools in poor districts. For whatever we wish. Having studied the proposed settlement, and the essays and articles the settlement has inspired, I feel that the settlement does not go far enough. It seems as if Microsoft is being allowed ''wiggle room''—that it can squirm out of the prohibitions simply by making extremely minor adjustments—adjustments that make no technical difference, or that make a technical difference that can be coded around. The major fault appears—from my reading, and I have not studied law— to be in the definitions. It seems that many aspects of the judgement are being defined too narrowly.

As an example:

* In industry terms an ''API''—applications programming interface—is any code library which allows or helps a programmer to interact with any other program. The other program is usually an operating system, but not necessarily. The programmer can be working on anything—an application, a piece of ''middleware'', or even another aspect of the operating system. * In the judgement, an ''API'' is defined as a code library between the Windows operating system and Microsoft middleware. That is a major difference, and it allows Microsoft to decide that code as basic as an installation library is not an API. (By industry definitions, it is.) If Microsoft can limit access to the installation library, it can choose who may and who may not write code for Windows— or at least, who can write code that is automatically installed by a nice, user-friendly system. This is a very significant barrier to entry in the application market. There are many other too-narrow definitions in the currently proposed settlement. A more complete—but not complete—list is available at http://www.kegel.com/remedy/remedy2.html

Thank you for listening.
Jenn V.

MTC–00019694

From: mike@theputnams.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Microsoft Settlement

I think that Microsoft should face the same consequences that any other monopoly would face.

Bu- outs are NOT justice.

MTC–00019695

From: Jerry Ponko
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

As an IT professional for the past fifteen years I would like to say that I am oppossed to the Proposed Final Judgement (PFJ). The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. As anectdotal evidence of Microsoft's past anti-competitive behavior against a small OS competitor, Be Inc., I present a quote from an article <http://www.byte.com/documents/s=1115/byt20010824s0001/ 0827—hacker.html> by Byte Magazine's Scot Hacker: ''so little profit margin in the computer retail business, and with so little to set one brand of computer apart from another, it would seem that out-of-the-box dual-boot capabilities would be a tremendous differentiating factor for hardware vendors. It would seem that there would be financial incentives for computer vendors to be asking Be for 10,000-license deals. These bundling arrangements would be good for Be, good for

OEMs, and good for consumers. In his own column, Gassíe has written several times about Microsoft's Windows OEM License and the ways in which it limits the freedoms of PC OEMs. In July 2001, I spoke with Gassíe to find out why no dual-boot computers with BeOS or Linux installed alongside Windows can be purchased today. In the 1998–1999 timeframe, ready to prime the pump with its desktop offering, Be offered BeOS for free to any major computer manufacturer willing to preinstall BeOS on machines alongside Windows. Although few in the Be community ever knew about the discussions, Gassíe says that Be was engaged in enthusiastic discussions with Dell, Compaq, Micron, and Hitachi. Taken together, preinstallation arrangements with vendors of this magnitude could have had a major impact on the future of Be and BeOS. But of the four, only Hitachi actually shipped a machine with BeOS pre-installed. The rest apparently backed off after a closer reading of the fine print in their Microsoft Windows License agreements. Hitachi did ship a line of machines (the Flora Prius) with BeOS preinstalled, but made changes to the bootloader ? rendering BeOS invisible to the consumer ? before shipping. Apparently, Hitachi received a little visit from Microsoft just before shipping the Flora Prius, and were reminded of the terms of the license.

Be was forced to post detailed instructions on their web site explaining to customers how to unhide their hidden BeOS partitions. It is likely that most Flora Prius owners never even saw the BeOS installations to which they were entitled. '' Unsurprisingly, Be Inc. has since gone out of business and Microsoft has succeeded in crushing another competitor. If a small company like Be Inc. cannot succeed by giving away its OS for free to OEMs, what chance is there for any future competitors to Microsoft?

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel -compatible operating systems to increase its market share in other areas, such as office software, ARM-compatible operating systems, game consoles and home entertainment systems. By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Some of the remedies that various observers, including me, have thought appropriate are for Microsoft's preload agreements to be vacated and new ones prohibited, the opening of Microsoft's office suite data file formats, and the submission of present and future Microsoft networking protocols to an independent open standards body. Since I cannot address the whole PFJ as I want to be brief and time does not permit, I will state that the PFJ is riddled with loop holes in Microsoft's favor and does nothing to remedy Microsoft's illegal monopolist behavior. As it stands now, the PFJ would not be a slap on the wrist but would grant full permission to Microsoft to do what it's been doing, and more. Futhermore and curiously, the PFJ does not address the ill-gotten gains of Microsoft's past illegal monopolistic activities. How is that possible? Certainly bank robbers would not be given such generosity!

Sincerely concerned,
Jerold Ponko

MTC–00019696

From: Josh
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to express my strong opposition to the proposed judgement posted here: http://www.usdoj.gov/atr/cases/f9400/9495.htm and here: http://www.usdoj.gov/atr/cases/f9500/9549.htm For the better part of 20 years, Microsoft has willfully taken part in the destruction of small companies with lower legal budgets. If they keep running our best minds out of business, pretty soon it will be Alfred E. Newman coming up with our ''great ideas''. I respectfully request that the proposed judgement is thrown out in favor of a much more restrictive solution.

Sincerely,
Joshua Fritsch

MTC–00019697

From: Mr. Alcourt
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft Settlement

As a systems administrator I have followed the news on the anti-trust lawsuit against Microsoft with interest. I have been quite dismayed over the proposed settlment which amounts to little more than a political surrender. Microsoft is not having any remedy placed upon it that will have any real impact to prevent further monopoly abuses or even help remedy the abuse that they were found to have committed.

Despite the fact that the breakup of Microsoft was overturned on appeal, the basic findings of fact were upheld, that Microsoft did illegally use their monopoly power to dominate the web browser market. Historically, Microsoft has a long history of monopoly abuses. They are known as the ''800 pound gorilla'' in the IT world, not by strength of their software, but by strength of their monopoly. The proposed settlement is even more troubling because Microsoft is one of the worst examples of software quality in the market today. They have helped lower the standard in software quality to the point that it is now expected that commercial software be delivered at best only partially usable, and completely unable to be used for even 24 hours without significant problems (similarly to how Windows 3.1 could not be used for such a period of time without problems.) This settlement does nothing to discourage Microsoft from abusing their monopoly power, and in fact, encourages them to be even more aggressive, knowing that what bears all appearance of a politically ordered settlement will be the dominant rule for dealings with Microsoft for at least the next five years.

I urge you to abandon this proposed settlement and instead seek a solution to the problem of the Microsoft monopoly that does not involve giving Microsoft everything they offered months ago prior to them being found a monopoly that violated anti-trust law.

Mr. Alcourt

MTC–00019698

From: Goudelocke, Ryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my concern at the weakness and inefficacy of the proposed settlement of the government's antitrust lawsuit against Microsoft. As a user both of Microsoft's products and those of its erstwhile competitors like Be and Netscape Communications, I feel strongly that stiff and harsh measures need to be taken against this monopolistic company whose primary business strategy is maintenance of a stranglehold on the American information infrastructure. Remedial action against Microsoft will benefit not just the economy, but clearly our national security requires quality, secure alternatives to Microsoft's shoddy enterprise products. Short of breaking the company apart, which would be the most efficacious solution, strong limitations need to be enacted and enforced to keep other currently viable companies alive against the onslaught of Microsoft's anticompetitive tactics—I am thinking of Sun, Apple, Oracle and others. The DOJ need not worry about disruption of the economy or the information systems of this country. Better technology exists and needs only breathing room to show itself. You have seen the findings of fact—don't make a joke of technology jurisprudence. Put the justice in DOJ, please.

Ryan M. Goudelocke
2502 McGrath Avenue
Baton Rouge, LA

MTC–00019699

From: Andrew Chen
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I agree with all of the statements found at: http://www.kegel.com/remedy/letter.html Competition is good. Period. Competition should be fostered. Period. Innovation will not be stifled by competition. Period. Anti-trust legislation exists to ensure that there is competiton. Period. At a minimum, complete and full disclosure to the public, available without signing or consenting to any restriction on activities enabled as a consequence of, of all Microsoft APIs and source code of any sort for a period of time (I'd recommend 5 years) for all products being sold (including pre-orders), would ensure competition for Microsoft. They're a big company, they can handle it. They may need to refocus on mice and keyboards and

the x-box hardware and technical support contracts as primary sources of revenue, but quite frankly, that's what the a substantial portion of the desktop PC industry has to do (either they're a hardware vendor, or, like Linux based companies, make money off of selling technical support contracts—Microsoft dominates too much of the software industry for any other software companies to be seriously considered as a significant part of the desktop PC industry, when looked at in terms of total revenue generated). Why should Microsoft be treated any different? Certainly not because of it's past crimes (it should suffer some form of punitive damage). Encourage competition. Period.

That's your job as enforcers of Anti-Trust law. Period.

Andrew Chen

MTC–00019700

From: crash
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Here's my comment:

The proposed settlement is unacceptable. I feel it's proof positive that qthe DOJ has totally caved in to the force of a scurrilous monopoly. The most overt example of this is in Section J 1 of the Prohibited Conduct notes. You know the part, where you explicitly state that Microsoft's conduct regarding authentication and Digital Rights Management will never be subjected to oversight. Security is used as an excuse. There are ways to ensure security while providing oversight; in fact the onus should be on Microsoft to stay secure as their practices are scrutinized. If they aren't willing to come up with an acceptable secure oversight plan, there are thousands of incredibly bright people who can help you establish one, just ask around. Authentication and DRM are going to be the next digital battlegrounds in the endless cockfight we call the Free Market Economy. If this proposed settlement goes through, the world will suffer in ways you simply cannot imagine.

And the rest of the settlement is also unacceptable, though I don't have the time to go into it right now. In closing, do not settle with Microsoft on the currently proposed terms. Either come up with a settlement which fixes the problems or drag them back in court and get a judge to impose a decent remedy. If you do anything less, history will remember your names, and not fondly.
KeMpKeS

''The 22 babies born in New York City while the World Trade Center burned will never know what they missed. The last half of the 20th century will seem like a wild party for rich kids, compared to what's coming now. The party's over, folks. The time has come for loyal Americans to Sacrifice. ... Sacrifice. ... Sacrifice.''

—Hunter S. Thompson

MTC–00019701

From: Roland Bockhorst
To: Microsoft ATR
Date: 1/23/02 10:08pm
Subject: Microsoft Settlement

I oppose the Microsoft Settlement because it is unfair to consumers and harms many Microsoft competitors. Please, there are many loopholes that make the proposed final judgment hardly even a slap on the wrist.

As a computer professional, I have seen the diminishing of choice, computer security and quality of software during Microsoft's monopoly. It is time to seriously reign them in.

I suggest forbidding the tying of hardware and software operating systems so a person is not forced to take an unwanted software package when a computer is purchased.

If an information file is produced on a Microsoft product, (spreadsheet, word processor or database) I am almost forced to buy a Microsoft product in order to be able to read this infornmation file. This is fair nenither to consumers nor other software vendors. I therefore suggest opening the data interface descriptions so Microsoft software will interoperate with other software vendor's packages. I feel I own information and stories I have written and produced. I feel that that information is being hijacked if it cannot be easily and freely read by others who do not own specific Microsoft programs. Only a monopoly can enforce this situation against my will and the will of my readers. I am afraid that the computer industry will be set back many years if this inadequacy in the proposed settlement is not corrected.

Sincerely,
Roland Bockhorst
2291 Orchid Dr.
Sierra Vista, AZ 85635

MTC–00019702

From: Alex Alegado
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea and an underhanded way for Microsoft gain marketshare without proper competition. The idea of Microsoft giving away software licenses that are of little real value and old hardware to schools pulls our heart strings but it has, at its core, a cynical motivation: In time these ''beneficiaries'' will have to upgrade their hardware and their software. Who will be there to sell licenses for new software? Who will reap financial reward far in excess of the financial penalty this settlement represents? Microsoft.

Any settlement must be made to increase competition, not stymie it. A mere $1 billion dollar ''gift'' now will turn into a lucrative investment for Microsoft and it will be handed to them on a silver plate. Microsoft needs to suffer some penalty as a monopolist. That penalty should be significant—$10 billion, not $1 billion, lifetime licenses on software for all schools—something that really helps schools and hurts Microsoft. A $1 billion settlement is nothing to a company that make more than that in profit each month and has $30+ billion in the bank.

Thank you for your attention.
Alex Alegado,
Prepress Supervisor, California Plasticard
213.742.9852 Voice, 213.742.0086 FAX,

MTC–00019703

From: Clive Myers
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Dear Sirs,

If comments from people outside of the United States carry any weight at all then I would like to register my protest at the slap on the wrist that is being proposed for Microsoft. This company has the most high handed attitude and is, in my opinion, the greatest hinderence to innovation and development of new products in the world today. I have worked in electronics and the computer industry for over 30 years and during that time have seen Microsoft effectivel strangle or take over companies that have any opportunity to oppose them.

In Australia, where I live, the United States is viewed from the perspective of television and news, most of which comes across as extremely negative, probably due in part to not seeing the publicity campaigns that are run within the US, allowing us hopefully, a more subjective view of companies such as Microsoft. We have only the results of using the products and seeing alternatives disappear to judge the effectiveness of this organisation.

Hopefully this may carry some small weight but I seriously doubt it.

Yours Faithfully
Clive Myers
Network Admin

MTC–00019704

From: Grace Becker
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:09pm
Subject: microsoft settlement

To Whom It May Concern:

I am writing this to express my thoughts on the settlement of this case. I truly hope that you decide to punish Microsoft in a manner that will make a difference. The current settlement will likely do nothing to change the way they abuse their monopoly position. At the very least, I hope that you make them abide by the SET STANDARDS. They should not be allowed to change the standards in any way. They should also be required to sell WINDOWS without the bundling of all their other products. Finally, I believe that they should have to open up Office file formats so there could be converters put in place for the competition. Thank you.

Sincerely,
Grace Becker

MTC–00019705

From: Daryl Nash
To: Microsoft ATR
Date: 1/23/02 10:11pm
Subject: Microsoft settlement

Department of Justice,

I wish to voice my displeasure with the recent settlement proposal in the US v. Microsoft case. Microsoft has been found guilt of monopolistic practices and as such, should have serious penalties imposed upon them in order to discourage such behavior, especially as they expand into other markets such as cable, telecom, ISP, and home entertainment.

Unfortunately, I don't have the solution. Splitting Microsoft into two companies

appears to have been taken off the table as an option, but the punishment given to Microsoft should be sufficent to impede their monopolistic practices, and perhaps monitor the company to help ensure that other companies and the free market are not endangered in the future.

Sincerely,
Daryl Nash

MTC–00019706

From: Pamela
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Microsoft has gotten away with enough—don't you dare let them off easy!! We, the American people, depend on you to do what is right for us, not for monopolistic corporations. If you fail us on this, it will be one more confirmation that government doesn't care about us, only about those who can line your pockets! Do the right thing—do not settle against Microsoft! Nail them to the wall, like you would any individual!

Pamela Jasins
Ann Arbor, MI
GIS Technician for local government

MTC–00019707

From: Wynette Richards
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement of the Microsoft antitrust trial. I feel that the proposed settlement does not address Microsoft's immoral and illegal practices in the past and does not prevent the continuance of this behavior in the future.

Yours truly,
Wynette Richards
Technical Staff Member
Los Alamos National Laboratory
c/o Computer Science Department
University of New Mexico
Albuquerque, NM 87131

MTC–00019708

From: achurch@achurch.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement

To whom it may concern:

I am a United States citizen, and I am submitting a comment in response to the proposed settlement in the U.S. vs. Microsoft antitrust case in accordance with 15 U.S.C. section 16 (the Tunney Act).

I am strongly opposed to the proposed settlement in the Microsoft antitrust case. The proposed settlement fails to either appropriately redress Microsoft's past illegal acts or prevent Microsoft from repeating or continuing such acts in the future. The majority of the restrictions placed on Microsoft's conduct by Section III, ''Prohibited Conduct,'' are in fact no more restrictive than practices Microsoft has voluntarily adopted recently in response to this case or to public outcry, and are certainly no stronger than one would ordinarily expect a law-abiding company to obey. For example, paragraph III.A.2 of the proposed settlement requires Microsoft to not retaliate against an OEM for ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System''; yet this is behavior expected from any company in a monopoly position, and in fact required by antitrust law—so why is such a clause stated in the proposed settlement?

Furthermore, the proposed settlement allows Microsoft extraordinary latitude in its implementation. For example, section VI subsection U, which defines ''Windows Operating System Product'', states that ''[t]he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Microsoft could—and its past actions suggest that it likely would—use this clause to arbitrarily declare certain software to be part of or not be part of a particular Windows product, to its own benefit; and even if claims of improper behavior were raised, they would only start another long round of litigation, and the proposed settlement could well expire before the claims were finally resolved. Another section which merits concerns is section III subsection J, which allows Microsoft to (1) avoid disclosure of any information it arbitrarily claims ''would compromise the security of . . . encryption or authentication systems'' and (2) effectively avoid disclosure of —any— information on such systems to individual researchers or other groups which do not meet Microsoft's ''standards . . . for certifying the authenticity and viability of [their] business[es]''. Especially with respect to (1), Microsoft could easily claim that any information it does not want to release would ''compromise the security'' of such systems, and third parties would have no way to verify the truth of the claim because they would not have access to the information.

Most importantly, however, I am appalled at the lack of any punitive action in the settlement. One of the prime tenets of any judicial system, or indeed any system with rules, is that a violation of the rules (laws) results in punishment: a punitive action, above and beyond a simple requirement to obey the rules in the future, which costs the transgressor more than any benefit they may have gained from their violations. In the system of rules which is United States law, such punishment may take the form of monetary fines, imprisonment, or other penalties; however, the proposed settlement inexplicably fails to include any penalties or even restraints on conduct other than requiring Microsoft to obey the law—which it should be doing in the first place! At most, the imposition of a Technical Committee and Microsoft Internal Compliance Officer could be considered ''penalties'' in the sense that law-abiding companies are not subject to such oversight, but as the remainder of the settlement does not impose any additional penalties, this could hardly be considered ''punishment'' in the ordinary sense. Since Microsoft has already been found to have broken the law, any final judgement in this case must include some form of actual punishment greater in degree than Microsoft's gains from its illegal activities, whether that punishment be fines, loss of intellectual property (for example, requiring Microsoft to place the source code to its Windows operating system or other products in the public domain), or some other action. The lack of such a punishment should by itself be sufficient reason to reject the proposed settlement.

While an amicable settlement between both parties is a desirable resolution to any court case, the simple fact that a settlement was reached should not —ipso—facto—overrule concerns about the efficacy of that settlement, particularly in a case such as this which concerns the entire American people. The proposed settlement is completely ineffective at either providing redress for Microsoft's past illegal acts or preventing a repetition of such acts in the future, and on those grounds I believe it should be rejected by the Court.

Sincerely,
Andrew M. Church

MTC–00019709

From: paul mckinnie
To: Microsoft ATR
Date: 1/23/02 10:14pm
Subject: Microsoft Settlement

I feel that the settlement made with the 9 states does not go far enough to make microsoft stop the way they do business. JSomething stronger needs to be done to insure consumers do not get ripped off when buying a new operating system.

Thank you for the chance to speak up on this matter.

MTC–00019710

From: Pete Aven
To: Microsoft ATR
Date: 1/23/02 10:14pm
Subject: Microsoft Settlement

Will this even be read? Does The Tunney Act matter anymore? Each day that this case lingers on, I lose more and more faith in my government. I work hard, and I'm a contributing member in my community. I'm a good citizen. I have no words, other than please do the right thing. Please punish Microsoft. They've hurt many people over the years. They've hurt a lot of companies that had great technological advances to share with us. But we'll never see what those companies could've offered, and we'll never know what could've been. Who knows what great technological advancement could've helped others and contributed to our great nation. Not us. Microsoft crushed anyone who got in their way. Oh well, I know this does no good. Thanks for letting me vent. Enjoy all the money that microsoft is giving ya while you can. The lawyers, judges, press; everyone is getting something from them except the people they hurt. Please note that all great empires do eventually come to an end.

Thanks,
Pete Aven
510–409–2656

(I realize you probably don't care, but in case you do, I just thought my full name and a phone number makes me seem more real. Your probably getting all sorts of complaints from spunkbuster429@aol.com and all. Good luck sorting through this drama. How much are you getting paid? Remember to thank microsoft at the end of the day. Without the case you wouldn't have to read this...

MTC–00019711

From: Michael P. Conlon
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Opposition to proposed settlement

Sirs/Madams:

I wish to add my personal objection to the proposed settlement in the Microsoft antitrust case. Please note that, while I am a professor of computer science at Slippery Rock University of Pennsylvania, I speak for only myself.

I hold a Ph.D. degree in computer engineering. I started activity in the computing field before there was a Microsoft. I have been involved in the personal computer field since the time when Microsoft itself started, when the only personal computers were ones you had to build yourself. I have seen Microsoft's hegemony grow, and I have seen several good, innovative companies crushed under Microsoft's monopoly.

I also have been active on the Internet since 1985, well before Microsoft discovered it. I have seen it continually grow, and with it I have seen the growth of the institutions and individuals who have used it. Unlike Microsoft and the software and protocols it has promoted, the protocols of the Internet are open and public, and this openness has been the key to its success. I am particularly concerned that an unpunished, unleashed Microsoft might be able to ''proprietize'' the Internet, destroying the wonderful engine of creative economic, educational, civic, and entertainment activity that it is. The basic problem I see with the proposed settlement is that it fixes few of the real problems. It does not punish Microsoft for the evil they have done. It does not create a competitive market for operating systems. It does not create a competitive market for office applications. It allows for Microsoft to hide virtually any protocol from public knowledge on the basis of ''security.'' (Any real security expert will tell you that the effectiveness of a security scheme must reside, not in the secrecy of the method, but in its effectiveness, so allowing Microsoft to keep these kinds of things secret will not add measurably to the security of Microsoft's systems. It will merely make it harder for others to compete.) It attempts to give some rights to specifications of network protocols to commercial enterprises, but fails to give the same rights to the public, and particularly to the people who are developing software out of love, e.g., the people developing the Linux operating system and other ''open source'' projects.

Here are some remedies I would suggest: 1) a large fine, (50% of their monopoly-gained cash reserves would be appropriate) payable in cash, not software, which would serve to further extend the monopoly. Give the money to schools and charities. 2) Prohibit Microsoft from restricting the installation of MS software on OEM computers in any way. Require that consumers be provided with full-featured installation disks. 3) It is now virtually impossible to purchase a computer without paying for a Microsoft operating system. This promotes monopoly. Microsoft must be prohibited from engaging in contracts with OEM's that encourage this practice. 4) Require that all network protocols and file formats, particularly Word's .doc format and Excel's .xls format, and Windows Networking authentication protocols, be published and submitted to a recognized standards body such as ANSI, IEEE, or IETF. 5) Prohibit Microsoft from buying other software companies for ten years. 6) In lieu of the previous, since some of them might be difficult to enforce, break Microsoft into at least three operating systems companies and three applications companies, each with rights to the source code of, at least, the major products in their area. Minor products (e.g., Visio, Flight Simulator) may be parceled out.

Respectfully submitted,

Michael P. Conlon, Ph.D.Closed Source Software:

Computer Science DepartmentYou don't need to clean

106D Maltby Centerhouse if no one can look

Slippery Rock University of Pennsylvaniainside!

Slippery Rock, PA 16057

(724)738–2143

MTC–00019712

From: phil
To: Microsoft ATR
Date: 1/23/02 10:15pm
Subject: Microsoft Settlement

I think the settlement is a bad idea and I do not support it.

Thank You,

Phil Pawelcyzk

Connecticut

MTC–00019713

From: Regolo Belen, Jr.
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Microsoft Settlement

I highly oppose the proposed Microsoft-DOJ settlement. It is my right, according to the Tunney Act, to voice my opinion that the proposed settlement does a very poor job to the consumers, as well as businesses, of the American economy. If you don't see this injustice.....HOW ARE YOU A TRUE ATTORNEY?!?

Regolo Belen, Jr.

rbelen@abstergo.com

(917) 225–2164

ABSTERGO SYSTEMS CORPORATION

MTC–00019714

From: Andrew Spencer
To: Microsoft ATR
Date: 1/23/02 10:15pm
Subject: I believe the proposed settlement in the Microsoft vs DOJ anti-trust case

I believe the proposed settlement in the Microsoft vs DOJ anti-trust case is impotent in the disintegration of Microsoft's festering monopoly of the consumer operating system market.

Specifically, the proposed settlement offers weak measures ensuring that Microsoft does not continue to use practices that act as a barrier of entry to competitors. Please review these arguments for further proofs: http://www.kegel.com/remedy/remedy2.html

Thank you for listening,

Andrew Spencer

A devoted, concerned U.S. citizen and computer user.

andrew@fallingblue.com

http://andrew.fallingblue.com

MTC–00019715

From: Billy Faggart
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I write to provide you with some commentary as permitted under the Tunney Act on the proposed Microsoft settlement. I will keep it short. The proposed settlement is totally unacceptable.

Microsoft has been found guilty of operating an illegal monopoly. This has been upheld upon appeal. And yet, the proposed settlement does remarkably little to impact the way Microsoft does business. And it does even less (zero) in assessing penalties for past wrongdoing. The settlement is little more than a ''go and sin no more'' response.

The proposed remedies are inadequate and will not adversely impact Microsoft's monopoly. For example, judgment remedies are specific to companies in commerce; that is, companies that operate for a profit. Ironically, the biggest threat to Microsoft on the PC platform today is Linux. Linux is a non-commercial product. As such, Linux developers have no rights under the proposed settlement.

Section III(J)(2) is actually against not-for-profits. Specifically, Microsoft need not describe nor license API, documentation, or communications protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' That Microsoft is able to set such criteria is remarkable...and remarkably bad.

Similarly, Section III(D) speaks to disclosure of the APIs for non-Microsoft middleware. The parties to which Microsoft agrees to disclose these APIs—APIs which are necessary to allow a program to interoperate with Windows—are explicitly commercial entities.

My suggestions:

1) APIs enabling non-Microsoft programs and operating systems to properly interact with the Windows operating system and middleware products should be made available to any and all parties that create such programs. Microsoft should have no veto power in this.

2) Microsoft should release the specifications of its applications'' file formats. Microsoft should not be able to constrain a consumer to using its products in order for that consumer to get to his own data. File specifications should be public. Microsoft would have to compete on the quality of its products (e.g., Word, Excel) rather than on the ability to hide the documents behind proprietary file formats.

3) Microsoft's tendency to ''embrace and extend'' should be forcefully curbed. Microsoft has, many times in the past, modified industry standards in order to make proprietary versions for its products that, due to Microsoft's monopoly power, end up locking out competition. They have done so in computer languages such as Java (see ''Microsoft's holy war on Java'' http://news.com.com/2009–1001–215854.html?legacy=cnet). They have done so with open security protocols such as Kerberos (see ''Kerberos made to heel'' http://zdnet.com.com/2100–11–502019.html?legacy=zdnn). And they do so with internet protocols and HTML extensions.

As recently as October 2001, Microsoft's web portal, MSN.com, went so far as to disallow non-Microsoft browsers such as Opera, Mozilla, Amaya, Konqueror, and some version of Netscape from even viewing the site. Instead, visitors were greeted with a message that recommended that people ''upgrade to Internet Explorer'' (see ''MSN.com shuts out non-Microsoft browsers'' http://news.com.com/2100–1023–274944.html?legacy=cnet).

Microsoft seeks out promising or threatening technologies, incorporates them, and claims to make them better. But ''better'' ultimately means they only work on the Microsoft Windows platform. When we are dealing with standards that impact computer-to-computer communication and interaction—most notably, the internet, itself—Microsoft must not be allowed to redefine and own those standards.

4) Allow computer buyers to return Windows for a refund. Windows is included with nearly every desktop PC sold today, whether a user needs or wants it. It should be possible for a person to buy the computer but opt out of the operating system. Microsoft should institute a rebate mechanism so that a person who needs a new computer to run Linux or BSD or other operating system is not forced to pay a ''Microsoft tax.'' And, in these days of low computer prices, the contribution of this tax to the total cost of the system is not insignificant. An alternative would be to say that manufacturers should offer PCs without operating systems; however, Microsoft is the party under the jurisdiction of the court.

5) Assess a cash penalty on Microsoft in correct proportion to the damages that resulted out of its illegal monopoly. Microsoft has benefited handsomely from its wrongdoing. The proposed settlement does not speak to this at all. The court should.

Thank you for my opportunity to comment.

Billy E. Faggart, Jr., Ph.D.
5505 10th St. N.
Arlington, VA 22205

MTC–00019716

From: ecsd@transbay.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

I regard the Microsoft Corporation to be the single greatest threat to the future of personal computing and to the freedom to use the Internet as one sees fit. In my opinion, Microsoft deliberately engineers their software to be incompatible with existing and proposed standards in order to create and maintain a ''Microsoft world'', in which one is forced to use Microsoft products and methodologies when working with computers. If one seeks alternatives, one finds few of them because companies are unwilling to invest in providing support for alternatives, given Microsoft's current domination of the PC OS (operating system) market.

The newspapers reported some time ago the demand that Microsoft be required to support alternative platforms as part of the separate settlement with the nine states that did not settle along with the government. I agree with this requirement—I think every piece of application software provided by Microsoft should be made available to run on the Unix platform as well. This is to include Apple's OS X operating system, Linux and FreeBSD, if not also Sun's Solaris, HP's HP/UX and others. Microsoft perceives Linux as the single largest threat to its absolute domination of the PC market, as well it should, inasmuch as Linux is more stable and secure than Microsoft Windows.

Microsoft wants absolutely everyone to use its products to do useful work. Microsoft, however, is not competant to produce adequate-quality software for use on the Internet. Consider the issue of computer viruses. Recall the ''Melissa'' virus and numbers of other viruses that have arrived on the Internet as of late. For ''Melissa'' I recall a figure of $11 billion in damages due to lost productivity and data worldwide. The fact is that Microsoft allowed this to occur due to negligence—Unix systems were not affected, and in fact Unix systems are not subject to ''viruses'' as people commonly think of them—these viruses are targeted at security holes and design flaws in the Microsoft operating systems and application software. Microsoft never offered any compensation for these losses, never apologized, and never admitted that encouraging people to continue to use their software puts people at risk for further such damage. The entire ''antivirus'' software industry was developed around the susceptibility of Microsoft software to problems of this kind. I think if any entity can force people to use its products and methods, it is equally responsible to insure that people not only are not harmed, but are actively benefitted through that use.

Microsoft's Public Relations strategy appears to depend on the perception many people have that there is no viable alternative to Microsoft software, and that only Microsoft knows how to produce software to perform useful work on computers. I believe it has been thoroughly established in the concluded antitrust case that Microsoft expends a great deal of attention and effort in ensuring that people are NOT afforded alternatives—competitors are bought out or threatened with lethal market tactics if they try to proceed independently from Microsoft. It is Microsoft's stated goal to replace Unix with Windows wherever possible, as quickly as possible, despite the fact that the Unix operating system is superior in every respect. Unix made the Internet possible in the first place; Microsoft was years late in recognizing the value of the Internet and was years late in providing a means for people to use their computers to access it. Microsoft is willing to work to destroy a work of great and recognized value because it is a threat to Microsoft's ''profits'', wherein presumably Microsoft was always entitled to make money from anyone's use of a PC for any reason and these ''other'' systems are ''interfering'' with that goal and the public at large is expected to acquiesce to Microsoft's self-assumed prerogatives even if the public is then deprived of access to superior products. I have heard, though I find it difficult to believe, that Microsoft announced intentions to ''modify TCP/IP to No one man or corporation is entitled to arrogate unto itself the power and authority to dictate standards and practices in the personal computing or Internet arenas. This is, however, Microsoft's goal.

The Microsoft Corporation could completely and totally vanish tomorrow, and while there would certainly be disruptions in the PC and software industries, in fact nothing much would change and dozens of companies would have replacement products in the market within six months. In fact, development monies would be freed up and people could enter the market to produce non-Microsoft-based software for profit without fear of being crushed by a large malevolent corporation which operates as if it is the only valid player in the software market.

Microsoft's claims that their design requires the bundling of portions of application package features into the operating system are false. (e.g. the claim that Internet Explorer is an integral portion of the operating system and cannot be removed.) I completed coursework for a Master's degree in Computer Science at Rensselaer Polytechnic Institute in 1980. Microsoft's claims are justified only to the extent that they have deliberately engineered their operating systems to support those claims. A graduate student who produced operating system designs similar to Microsoft's would have failed their courses in 1980 and therever after. The poor security and performance of Microsoft's operating systems are direct consequences of their poor design ''methodologies'', if Microsoft even thinks in such terms.

I have no doubt that if Linux were something Microsoft could ''buy'', it would buy it to put it out of business, or it would be stripped and hobbled and be sold for hundreds of dollars, in contrast to Linux's open-source origins.

I think AOL Time Warner has done an awful job of maintaining Netscape versus Internet Explorer—AOL could have done much more with Netscape and should have. But in my job as the operator of a computer store and ISP since 1995, I have witnessed the rise of Netscape and watched it replaced by Internet Explorer step-by-step in exactly the same fashion as other common software—word processors (Word), spreadsheets (Excel), presentation software (Powerpoint) who can name competing products in these areas? Fewer and fewer people as time goes by. I am convinced that Microsoft engineers their websites to cause problems for non-Microsoft browers, or

perhaps specifically for Netscape. I try to access a Microsoft or Microsoft-driven website with the Netscape browser only to have the access fail on the first attempt but SUCCEED on the next attempt. How many people would DISbelieve the first failure and try again? How many people would blame the Netscape browser for the problem and switch to Internet Explorer instead?

The HTTP protocol is an international standard produced by a standards body. Yet I encounter numbers of websites driven by Microsoft software that CAN ONLY BE ACCESSED USING INTERNET EXPLORER because site designers are using Microsoft ''standard features'' that are not ''standards'' at all, but proprietary extensions introduced by Microsoft explicitly to raise barriers to the use of non-Microsoft products. Microsoft encourages people to use Microsoft ''methodologies'' without warning people that to do so makes their work ususable by users of non-Microsoft products. Complaints to companies about their implicit forcing of the use of the Internet Explorer browser often go ignored on the notion that ''everybody uses Internet Explorer'' (so why should we rewrite our website to suit an open international STANDARD when it is so easy to use what Microsoft gives us to use to write our website?)

Any corporation so damaging of whole industries and so bent on domination and control should be punished and put in its place. If the order to split the company into an operating systems company and an applications software company had gone through, presumably the applications company would begin producing software for Linux and FreeBSD, and the operating systems company would go out of business in several years as the alternatives were seen to be superior, as they are. Nobody would want to support an operating system (Windows) that is so poorly designed and which crashes and hangs and behaves so oddly and poorly and which is as expensive to maintain as Windows. Nobody would, but they are forced to do so as things stand now.

If we can't have that, I do certainly agree that Microsoft should be required to make its application software available to run on Linux and FreeBSD, and I agree that the Internet Explorer application should be disintegrated from Windows and spun off into a separate company. Microsoft should be forced to compete on a level playing field and to earn its money honestly. No offers of cash grants or ''free software to schools'' should be accepted whatsoever— the Microsoft corporation must be structurally modified as much as possible to prevent it from further abusing its current dominance in the industry. Microsoft should not be allowed to bundle applications with its operating system—the applications should be offered for sale on the open market, just as all Microsoft's competitors have to do with their products.

It's worth noting, in closing, that Judge Jackson wrote as part of his opinion that Microsoft was charging TWICE as much for its operating system software as was warranted. No wonder Microsoft can afford to bundle ''free'' software with the OS—it was already paid for by the consumer without their consent! And we have of course never heard that Microsoft was considering rebates or refunds based on its overcharges.

No judgement could be too harsh for Microsoft. Tens of millions of virus-infected PCs and millions of hours and dollars of wasted time and lost productivity testify to that. I will not think the world is safe for my industry as long as Microsoft can unilaterally engineer any part of it. I would as soon see Microsoft out of business entirely, but short of that it should be reduced to what it does reasonably well writing office software, and that's all. Its highly-paid staff of intelligent software professionals should be returned to the labor pool to start doing something truly useful with open-source technologies.

ecsd@transbay.net
Eric Dynamic
CTO, UC Telecommuncations Company
Berkeley, CA
510.649.6088
510.540.5579 fax

MTC–00019717

From: Marcus Castro
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

Considering the vast amounts of money that was made by Microsoft while using these illegal tactics, I believe that the settlement offer is unreasonable. It should be much higher than the proposed amount, perhaps even 10 times that amount, and a good portion of it should go back to those whom Microsoft hurt with these tactics, namely the consumers.

Marcus Castro
4847 Hopyard Rd #4–183
Pleasanton, CA 94588
marcuscastro@attbi.com

MTC–00019718

From: Lynn Dobbs
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft provides no credible relief from Microsoft's anti-competitive practices. The newest release of the Windows operating system violates the terms of earlier agreements with the Department of Justice, also.

Microsoft and its allies have damaged and defeated any credible attempt at competition in the desktop operating system market. Through other unfair practices progress and growth of the computer software industry has been severely stunted with significant negative effects on the US economy. Microsoft has become too powerful and is clearly too unscrupulous to be rendered harmless as long as it stays a single company. Not only would a broken up Microsoft relieve the problem to our industry, it would probably reward Microsoft stockholders with increased value. It could be a win-win. The current proposed settlement is at best win-lose— a win for Bill Gates and a loss to the American people whose rights are entrusted to the care of the US Department of Justice.

Sincerely,
Lynn B. Dobbs
4577 Park Blvd. Apt 4
San Diego, CA 92116

MTC–00019719

From: Ramona Matthews
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft Settlement

In my opinion the proposed Microsoft settlement is a bad idea.

Ramona Matthews

MTC–00019720

From: Trent Larson
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

I would just like to say that Microsoft has put way too much control into their new Operating system windows XP. First, many of the multimedia utilities like Media player and internet explorer cannot be uninstalled by the user if they wish to use another program. Furthermore, MS bugs customers to open up a passport account numerous times when installing the OS that the individual almost feels like they have to sign up. Microsoft can clearly be shown that they are using their unfair monopoly position to further move into other software applications. Without action against Microsoft, we will have even less software companies in other areas other then Operating systems. Our choices for good performing software will go down and we will be forced to pay more for software that is already being shown to have many security flaws. Way back when Bill Gates said that Microsoft would never charge for internet explorer and then proceeded to build it into the operating system with no uninstall, it became very apparent that MS had become a abusive monopoly. It can be also pointed out that Microsoft is guilty of pressuring oem vendors to always bundle MS operating systems with new computers or face higher prices etc...

Currently, AOL is suing MS for what they did to Netscape. I strongly agree that Netscape never got justice for what happened. I do support AOL in its fight for the abuses against Netscape and I feel that at the very least, every MS operating system should have a complete uninstall for internet explorer.

Further, I feel that IE should not even be installed by default and that Netscape should also be bundled with windows as part of a punishment for the settlement against Microsoft.

It is not that I am against monopolies. AT&T the old Ma Bell was a good monopoly and I feel that current phone companies provide us with service far less then the old Ma Bell. However, it was a monopoly and had to be broken up. Ma bell was not abusive. Microsoft is abusive with its powers. They did not learn anything from the lawsuits against them. They are more arrogant then ever and show no respect for the courts or justice. It is obvious that Mr. Gates and MS feel they can beat anybody or any court with their lawyers and money. Remember, in the original case MS even was shown to lie to try to protect their monopoly position so there really needs to be strong actions taken. Already the lack of

competition is bringing us weak products with poor security. MS products are the most memory intensive and processor hungry programs with numerous security holes. Fair competition would no doubt bring us better, faster and more secure programs. I support fully any action against Microsoft's unfair monopoly position to allow fair competition to generate better software for everyone to enjoy. Thank you for reading this comment..

Trent Larson

tlarson38@home.com

MTC–00019721

From: Sarah L. E. Unsicker
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

I am opposed to the proposed antitrust settlement against Microsoft. I believe the proposed settlement will allow Microsoft to continue practices which have been proven anticompetitive, and likely give them an even stronger hold on the desktop PC software market. This is unfair for competition. More than that, it is unfair for consumers who are left with no reasonable choice but to purchase Microsoft products. Please modify this settlement in a way that will benefit consumers more than it will benefit Microsoft.

Thank you,

Sarah Unsicker

gemuse—soup@yahoo.com

5422 Haymeadow #3A

Peoria, IL 61615

MTC–00019722

From: Joshua Smith
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

I thought it would be appropriate for me to comment on the Microsoft Settlement that has been proposed. I disagree on many points with the Settlement. I have seen many holes pointed out in it, and understand what harm Microsoft has done to competition in many software products, from Operating Systems to Internet browsers to media players.

I am a computer science student (Junior) at Michigan State University. I understand many of the technical details (at least on the surface), and I have used many of Microsoft's competitors'' products, including Netscape (6.2 & Mozilla 9.x), Winamp, RealPlayer, DivX's ''the Playa'', and even the Linux operating system.

I understand that Microsoft uses many secret API's, and that the PFJ doesn't force Microsoft to publish these API's, other than the ones that allow interaction between the Microsoft Windows OS and it's ''middleware''. It would be more appropriate to ensure that Microsoft shared all of the API's, including the ones that allowed interaction between Windows and it's non-middleware products. I understand how hard it is to make a program like WINE work, an emulator designed to run Windows programs in Linux, and it would be much easier if all of the Windows API's were published.

Microsoft Middleware must be allowed to be replaced under any installation of a Microsoft Windows product. I dont'' like the idea of a great program being lost on the wayside because companies are punished for including it alongside microsoft products. I know that Microsoft purposely bundles its Internet browser with its operating system so that it could gain a monopoly in the browser market. It is not hard to imagine a future where Microsoft media player, instant messenger, mail program, and office software are the default standard, because they come pre-packaged, while other, better, more secure alternatives waste and fail because they are unable to compete with the defaults forced on companies by MS. I know quite a few people who know no other web browser, mail program, or office suite but Microsoft's.

That isn't competition, that is domination, monopoly, and suffocation. Are there better mail programs, that could be included by OEM's? Given the tremendous growth in mailing viruses, I think so. Are there better web browsers? Perhaps, but it may only be a matter of personal preference. Better office suites? Again, it may only be preference, but by price/usefulness there are many superior competitors that are unpopular merely because they are pushed away by microsoft, or because Microsoft's programs are the default standard. Is Office a middleware product? The answer is yes, many programs run on top of Outlook, Word, and Access.

There are too many more problems to list here. A rewrite is in order, in my opinion, and a miscarriage of justice is possible. The PFJ is not even as strong at definitions as the Finding of Fact, the DOJ seems to have lessened its punishment of Microsoft, perhaps because of trying economic times. I say, do the right thing, punish the lawbreaker, and create competition. Good things might happen.

Joshua Smith

MTC–00019723

From: Steve
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft case

Hi

I wish this case to be settled fair. You see Microsoft can see on your hardrive and can tell what programs you have,so they can tell what programs still have part of the market under Windows and that is bad. They can put man power to target them. I could go on for hours but your job is stop letting them looking on peoples hardrive. Let third party companys have a chance to put their product out there. AOL needs to be given even footing with Microsoft. Windows must be put basically in to a position not to be able to read the programs installed on your computer. Xp could be the end of lots of companies if it isn't limited. I hope Microsoft practices will be stoped or we will be paying large prices for operating systems and companies like SUN , AOL and other will fade away. Thank you for your time.

Steven Gorkowski

MTC–00019724

From: Chick Tower
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I do not think the ''Microsoft settlement'' goes far enough to prevent Microsoft from continuing and extending its monopolistic practices. Too much is left up to Microsoft's discretion, interpretation, and definition. The settlement needs to more specifically and rigorously define what it covers. The law generally does not allow convicted bank robbers to define what is a bank, or convicted rapists to define what constitutes rape; why should Microsoft, a convicted monopolistic company, be allowed to act in certain ways based upon definitions that the settlement says they alone may create, such as what constitutes Microsoft middleware or what is part of the Microsoft Windows operating system? What this settlement basically says is ''Microsoft is prohibited from acting in ways that Microsoft deems monopolistic and unfair.'' Correct me if I'm wrong, but wasn't the company convicted because of actions it claimed were NOT monopolistic and unfair? In my opinion, this settlement gives Microsoft carte blanche to continue business as usual, and therefore does not serve the cause of justice.

Charles Tower q

MTC–00019725

From: Matt Langford
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I would just like to state the I think the proposed settlement with Microsoft is a bad thing. It's not effective as a punishment, in my opinion, because it will extend their ability to abuse it's already too great monopoly power.

Matt Langford

MTC–00019726

From: Fred Hamilton
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

Hello,

Fir the record, I'm extremely disappointed with the Microsoft settlement. I feel like the DOJ has caved in, for whatever reasons, to a monopolist. Microsoft's unchallenged strength and domination of computing has caused the following business and societal ills:

Loss of Innovation: Innovative companies with products far superior to Microsoft's have been driven out of business by Microsoft's deep pockets and uncompetitive practices. For example, Be. The BeOS was better in almost every way to Windows, but Microsoft used their clout to prevent any PC manufacturer from even offering it as an OPTION. Needless to say, Netscape is a shell of its former self because Microsoft could spend millions (or billions) developing Internet Explorer and giving it away until Netscape lost.

Privatization of Open Standards: Microsoft is trying to co-opt the internet by not being compatible with open standards (HTML, SHTML, Java, etc.), and using its enormous clout to force people to move to Microsoft-flavored versions of these standards. Web sites must support the Microsoft-flavored versions, since Microsoft's Internet explorer is used by something like 90% of the Internet. This means anyone trying to compete with Microsoft in web browsing or

similar tools is chasing a moving target. Since NO COMPANY ON EARTH has enough money to chase Microsoft, the competition dies or never starts in the first place. The internet is based on open standards—allowing Microsoft to continue to do this means giving them almost complete control over the most important communication and data transfer technology in history. Talk about monopolies...

Security Vulnerabilites: I don't have the exact number, but apparently computer viruses have cost businesses around the world (but primarily in the US) BILLIONS of dollars. Now, if you look at the big viruses that have made the news and cost the most money, they were all spread by Microsoft products! Ah, but if Microsoft has 90% market share, that's too be expected, right? Perhaps Microsoft can be forgiven for the first few, but Microsoft has consistently NOT fixed or changed code in Microsoft Outlook and Internet Explorer and IIS that is easily exploited by any hacker with a mind to.

There are a lot of other issues, but these are the three big ones and I don't want to make a career out of writing this email. But to summarize: You are letting a monopolist responsible for uncompetitively and illegally killing competition, stifling innovation, co-opting the most important technology on Earth, and being (mostly) directly responsible for BILLIONS of dollars lost due to viruses and security attacks, off the hook with a little slap on the cheek.

Even a very pro-business administration such as yours should be able to see the danger of letting this monster grow unchecked. Please reconsider how you are handling this case.

Best regards,
Fred
CC:fred@yonkitime.com@inetgw

MTC–00019727

From: jesse montrose
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I am writing to express my opposition to the Microsoft Settlement. As a computer professional, I've watched Microsoft's progress over the years, with increasing dismay. Although I consider myself a Libertarian, and feel some concern about government intervention, I lament the loss of competition, sanity, and life to my chosen industry.

MTC–00019728

From: ejy@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I believe that the currently ''Proposed Final Judgment in United States v. Microsoft'' is inadequate to end Microsoft's abusive monopoly on desktop computing. I am AGAINST it.

When I was a young boy I was taught that the US justice system was fair and sure. If you were caught doing something wrong, you could expect to be punished. Well, Microsoft has done something wrong, and they continue to do so. This is in the courts own finding of facts. They have created a situation where competition is bought up or ruthlessly destroyed. The settlement proposed allows many exclusionary practices, and thus the monopoly, to continue.

Also, I am deeply concerned that if this monopoly is allowed to continue that America's security is at risk. This is because there is only one target now on the desktop, Microsoft. And they have little incentive to improve their products (witness the many viruses successfully designed and deployed against Microsoft products).

I have 30 years of experience as an engineer, 20 of these are in software engineering. I routinely use Linux and Windows (NT, 98, 95) on desktop computers. Linux and it's applications are stable, and excellent. Windows and its applications fail on a regular basis. Something is badly out of balance if software that is free ($0 acquisition cost) and of far better quality can't achieve widespread distribution (compete in the industry).

The root of Microsoft's monopoly is their ability to hold your data hostage via proprietary formats. These formats are changed as new software versions are brought out in ways which (greatly) encourage upgrading to the latest Microsoft software.

I would end the monopoly by liberating the world's data. Require that Microsoft publish their file formats, and live by them. This will allow other companies, and the free software world, to compete with Microsoft by creating more reliable and secure software which can read and write so called ''standard'' Microsoft formats.

Thank you for your consideration in this matter...

MTC–00019729

From: Ralph Heymann
To: Microsoft ATR
Date: 1/23/02 10:20pm
Subject: Microsoft attack by AOL

As an investor in AOL I can only say that I am utterly disgusted with AOL/Netscape concerning this obscene lawuit. If the AOL people have nothing better to do with their management time, then I see not much of a future for them.

As you must know the Microsoft Explorer software is so much superior to the abortions dreamed up by Netscape that one would not touch the Netscape product with a ten foot pole. Procomp should be equally ashamed.

Ralph Heymann
Chapel Hill NC

MTC–00019730

From: Amber Dawn Bennett
To: Microsoft ATR
Date: 1/23/02 10:25pm
Subject: Microsoft Settlement

This proposal is a Bad idea, as in: I personally as an american citizen oppose this settlement and hereby declare that it is unAmerican!

Thank you.
Amber Bennett

MTC–00019731

From: Anthony Buhler
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

It is clear that Microsoft has done significant damage to the competitive landscape of the software industry.

It is my belief that if other software companies had not been crushed by Microsoft that we would have seen more innovative software, more stable software, and more secure software. But if there is no competition, why make something better?

Anthony Buhler

MTC–00019732

From: Ellis (038) Ruth Hillinger
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is inadequate and urge that a more comprehensive remedy be implemented.

Thank you.
Ellis Hillinger
Seattle Washington

MTC–00019733

From: Lawrence Howards, M.D.
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft settlement and AOL

To Whom it May Concern: The AOL suit seems to be a repeat of the original and dismissed browser suit against Microsoft. Moreover, years ago, I changed to the Microsoft browser because it was better, not because it was free. I had both of them for a time.

MTC–00019734

From: (u)
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I would like to voice my oppposition to the proposted Microsoft settlement. The proposed settlement does not penalize Microsoft for its history of *punishing* computer manufacturers for selling PCs containing software or Operating Systems made by competitors of Microsoft. Such actions by Microsoft are the antithesis of free trade. The proposed settlement also does not prevent Microsoft from partaking in this type of cutthroat behavior in the future. It also does not prevent Microsoft from —intentionally— building into its applications incompatibilities in order to keep them from running on competing operating systems, and intentionally inserting incompatibilities into user files created in Microsoft applications so that such files cannot be used in applications created by competing software companies.

A. Walter

MTC–00019735

From: James Powell
To: Microsoft ATR
Date: 1/23/02 10:25pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Dear D.O.J.,

I would like to submit my comments about the Proposed Final Judgement. As recommended by the D.O.J., I have read the original Complaint (5/18/1998), the Stipulation and Revised Proposed Final Judgement (11/06/2001) and the Competitive

Impact Statement (11/15/2001). I am unable to believe that the remedies in the PFJ will prevent Microsoft from maintaining its operating system monopoly. The PFJ appears to me to have no teeth. To me, the heart of the issue is Microsoft's ability to determine de-facto standards. These standards include word processing and spreadsheet file formats, which Microsoft, under the PFJ, retains the ability to manipulate in secrecy in order to block competition. These standards also include the interfaces used by Microsoft products such as Word and Excel to carry out their functions. As shown in the courts proceedings, Microsoft has repeatedly and secretly changed these APIs in order to disable or cause malfunctions in competing software. The PFJ does require that Microsoft make some APIs public, but the definition of API in the PFJ is so limited that there can be no expectation that Microsoft will not continue to cripple competitors using this dirty trick.

I think that it's unfortunate that patents covering the Windows API are allowed to remain undocumented. This prevents potential competitors from implementing products which are compatible with the de-facto standard PC operating system API without risking patent infringement. The patents are especially a problem because it is well documented that the U.S. Patent and Trademark Office has issued many software patents without adequately determining the novelty of the proposed invention. Please read ''Intellectual Improprieties'' in Scientific American magazine's February 2002 issue, p. 34 for more information about this problem.

Besides the issue of standards, there is the question of Microsoft's practice of using OEM licensing agreements to suppress competition. This section of the PFJ is apparently very weak by design. It contains language that actually encourages Microsoft to increase its market share by allowing the company, which is guilty of engaging in illegal practices to suppress competition, to go ahead and dictate different licensing terms to smaller OEMs—precisely the OEMs who are most likely to encourage competition with Microsoft (Section III.B), and by permitting Microsoft to retaliate against any OEM who ships computers containing no Microsoft operating system (Section III.A.2). Considering these problems, I feel that the the Proposed Final Judgement as written will have very little effect on Microsoft and I am certain that significant anticompetitive practices will continue at the company. The Proposed Final Judgement is not in the public interest, and it should not be adopted without addressing these issues. As a personal amendment, I am a software developer. I started developing software in 1982 at the age of 13. I worked in computer stores for four years, from 1984 to 1987, and I have been a professional software developer since 1988 starting as a student in college where I worked for the University of Chicago's Graduate School of Business. The computer industry in the 1980s was a wonderful market, full of innovation. Spreadsheets, word processors, desktop publishing programs, games, and operating systems all enjoyed significant competition and the consumer benefited from a bounty of choice and variety. Standards such as SGML (the basis of HTML), ANSI C, and POSIX were refined and adopted and the end user benefited from consistent implementation of these standards. Products improved in functionality and reliability and prices were kept low by market forces.

I enjoyed using Microsoft products, purchasing Multiplan, Word, and MS-BASIC for the Macintosh. The first sign of trouble that I noticed was when Apple was developing a really good BASIC development environment for the Mac, called MacBasic, in 1985. Preview versions of this software were available and it was obviously much better than the MS-BASIC product. Apple had poured a lot of resources into MacBasic and was poised to release the product when Microsoft stepped in. This is the first application of Microsoft's famous and frequently used ''Apple— submit or we will no longer make products which run on the Macintosh'' tactic that I know of. Apple submitted and sold MacBasic to Microsoft for $1. MacBasic was buried and Microsoft continued to sell its inferior product, without updating it or addressing its limitations at all for years.

Finally, even MS-BASIC disappeared from the market and consumers were left without a useful BASIC programming environment on the Macintosh. There are so many stories like this that I know that Microsoft has significantly and intentionally damaged the personal computer market. Microsoft continues to do so today by shipping broken products to so many people that massive security flaws and unstable systems are now considered the norm by many. Programmers know that this perception is dangerous and untrue. Better practices and better operating systems have existed since the 1970s, but they are unable to gain a foothold in the PC market because Microsoft uses unfair practices to maintain the Microsoft monopoly on that market. The other reason I feel strongly about this issue is that it is clear to anyone who has been involved with the industry since the early eighties that the software market has collapsed into an uninteresting, low quality blob. Strong companies shipping strong products, such as Word Perfect, Harvard Graphics, Borland, Netscape, Corel, Digital, Ashton-Tate, Lotus, Eudora, and IBM have all attempted to sell products which compete with Microsoft applications and they all now lie strewn in the dust, crushed by monopoly power.

Apple, Sun, and free software are the only hope I have today for freedom of choice in desktop computing. I feel that Microsoft will eventually fall, because end users still have freedom of choice and free software will replace Microsoft products on the desktop. This may take decades to accomplish and many millions of computer users will be deprived of choice until that day.

I believe that the PFJ as written will not accelerate this process, nor will it significantly improve the situation for commercial competition to Microsoft. As a computer professional and as a citizen of the United States, I urge the D.O.J. NOT to adopt the proposed final judgement without amendment.

Thank you,

James E. Powell
President, Silver Future Software, Inc.
3445 S. Downing #307
Englewood, CO 80110
http://silver-future.com

MTC–00019736

From: J. Kanowitz
To: Microsoft ATR
Date: 1/23/02 10:20pm
Subject: Microsoft Settlement

I'll try to keep this brief. As an end user and small-office administrator, there is little or nothing in the proposed settlement that reduces Microsoft's monopoly influence on my daily personal computer usage.

I have never been a fan of Microsoft products, as I feel they are without technical merit. I've used Commodore Amigas, IBM's OS/2, and the open-source Berkeley Software Distribution-based UNIXes. In all cases, Microsoft's sheer popularity has forced me to own and operate at least one Windows system, and in the case of the small-business environment, a network of Windows machines.

In particular, if I may quote from http://www.kegel.com/remedy/remedy2.html#info.formats 's criticism of the proposal:

''5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).'' As an average user, I can say that it is ''impossible'' for a small business to migrate away from Microsoft solutions as long as the popularity of Windows and Office maintains the proprietary Word format as a de-facto document interchange standard. The average end-user does not have enough familiarity with Office to understand how to save a document in an open format, and Microsoft relies on this lack of user skill to maintain their dominance in that software space. Frankly, the judgement should set a precedent in demanding the specifications of proprietary formats such as Word .DOC be opened—should a company profit from their ability to obscure their data formats to only interoperate with their own products [thus forcing adoption], or by providing innovative software with the features the market demands?

Telephone companies used to require rental/purchase of approved telephones direct from the company. With that requirement removed, other vendors have been free to offer telephones, some with innovative features (speed dial buttons, speakerphones, etc). This did not unduly restrict the telephone companies, nor did it adversely effect the integrity of their networks. Microsoft has a ''network'' of sorts—users and businesses who have been convinced to use their products, and currently, their closed standards and anticompetetive practices force users to purchase software from them (Office, Windows) when it should be trivial for any word processor to read documents produced by another.

This is the essential difference between the original (1980s) PC marketplace and the

''digital milennium''—today, there are certain standards in place that enable the Internet, and these standards should be taken as a given, not unlike the standards of the American interstate network.

Much of the proposal seems to presume that Microsoft is a monopoly in personal computing, and rather than attempting remedy that would open the operating systems market to competition, focuses on ways to make it easier for other businesses to produce and sell to the installed Microsoft userbase without undue restriction by Microsoft licensing. This in no way assists the consumer who is ''not'' running a Microsoft system, and has no interest in running a Microsoft system, but finds it necessary to conduct communications with Microsoft users! I wish I'd taken the time to make this a more founded argument, but hopefully it is food for thought. Please consider the fate of direct competitors in the OS marketplace, and their end-users, in drafting the final settlement. Respect that handheld devices, game systems, and other products are equally personal computing devices. Allow direct competitors—WINE, Lindows, etc—the rights to reverse engineer Windows in the same way that Compaq was allowed to reverse-engineered the IBM PC BIOS to make the x86/MS–DOS/Windows world to happen. Don't allow MS to charge licensing fees for systems not running Windows, and do not allow them to restrict the sale of dual-booting systems (as occurred when MS licensing blocked Windows/BeOS dual-boot machines from including a bootloader that could allow access to the BeOS installation!)

Again, though I'm restating myself all over the place—don't assume that since MS ''has'' attained a monopoly, that competition can't occur, and that all remedies must focus on making the Windows monopoly more livable for OEMs, developers, and users. Consider mechanisms to actually allow for increased competition in the entire personal-computing space. Setting a precedent for industry-wide open data file formats would be one such mechanism, as it would level the playing field and allow for a proscribed level of interoperation between competing products—necessary, in today's networked ''digital milennium'' world.

Communications protocols should be treated similarly, and information should not be restricted on the basis of security concerns. A security issue in a file format or protocol is a ''failure to innovate,'' as a better-designed format/protocol would not be victim to the problem.

To whoever's bothered to slog all the way through this, I thank you profusely for your consideration!

Joseph Kanowitz

MTC–00019737

From: Jere Beauchamp
To: Microsoft ATR
Date: 1/23/02 10:24pm
Subject: Microsoft Settlement

I am distressed with the proposed settlement of the Microsoft antitrust case. They have been judged to be a monopoly and they have engaged in behaviors that have significantly damaged other software companies by their practices. Anything less than a breakup of this monopoly is a serious setback to the entire computing industry.

MTC–00019738

From: Frank Maglio
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

The proposed settlement is not a solution to the adjudicated problem. The proposed settlement will not prevent Microsoft from repeating the same pattern of monopolistic abuse it was just convicted of conducting. A proper solution would be to return the Mosaic browser and the fruits of its tree to the public domain from which it came.

MTC–00019739

From: Wes Bateman
To: Microsoft ATR
Date: 1/23/02 10:22pm
Subject: Microsoft Settlement

I would like to voice my opinion on the matter of the proposed Microsoft Settlement. I feel strongly that the current proposal is ill advised. It does very little to keep Microsoft from continuing to use its marketshare to dominate competitors. Further, this watered-down remedy damages any relevance that the anti-trust laws have.

Please reconsider acceptance of the currently proposed remedy. It is bad for not only the technology industry, but for our country as a whole.

Thank you for your careful deliberation in this matter.

Sincerely,
Wes Bateman
P.O. Box 851053
Richardson, TX 75085–1053

MTC–00019740

From: Louis Vonderscheer
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

Microsoft has and is one of the software sector's largest predators. Their practices have destroyed many companies that produced excellent products, leaving users such as myself with few alternatives. I believe that Microsoft should not walk away from this case with a slap on the wrist. An example needs to be set that robber barons in a new form cannot be tolerated. Thank you for allowing me to have even minor input regarding this issue.

F. Vonderscheer
Redding/Sacramento
California

MTC–00019741

From: Eugene Poole
To: Microsoft ATR
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

I DON'T AGREE . . .
Eugene Poole
etpoole@adelphia.net

MTC–00019742

From: Silver944
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

Dear Sirs:

I consider the proposed settlement to be a total abrogation of responsibility on the part of the US Government. In the annals of anti-trust, the best analog that I can find is that this settlement is as if the Government had not only not broken up Standard Oil, but had also given them the railroads. It is an open invitation for companies in the future to flout the law with the knowledge that even if they are finally convicted in a court of law, the remedy applied will be weak at worst and more likely totally impotent. Microsoft has shown repeated disdain for the rule of law and may be expected to not act in an honorable fashion under any remedy. At a time in which we are attempting to demonstrate the nature of America, I suggest that Honor is value to be preserved not discarded.

The ubiquitous nature of the Windows operating system due to its monopoly status has cost both its users and its non-users a tremendous amount of time and treasure due to its basic philosophy of construction. It is hard to know what the current situation might have been if competition had been allow to exist, but I dare say we are better off with a number of different operating systems rather than a single omnipresent one.

I suggest that the proposed settlement be discarded and the earlier action by he Honorable Judge Jackson be reinstated.

Regards,
Dr. William Ledsham Ph.D. MIT ''78
40 Bemis St.
Newton, MA 02460–1103

MTC–00019743

From: Rhys Ulerich
To: Microsoft ATR
Date: 1/23/02 10:27pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Sincerely,
Rhys Ulerich
Undergraduate Computer Science Student

MTC–00019744

From: Denny Napier
To: Microsoft ATR
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

Microsoft will never, of their own accord, practice business in a fair, competitive manner. The Microsoft Empire has been built on unfair, monopolistic business practices and they must be reigned in for the good of free choice for the public and opportunity for growth in the computing sector.

The settlement is not strict enough.

Denny Napier

MTC–00019745

From: Sean McNally
To: Microsoft ATR

Date: 1/23/02 10:25pm
Subject: Microsoft Settlement

The only thing microsoft would understand as a penalty , is a financial one. the deal their lawyers dreamed up was one that didn't really hit them financially, it only means they will lose a billion in sales, not actually pay out a billion in cash. it's obscene! There is a huge difference!

MTC–00019746

From: hersh@ri.cmu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

The current Microsoft settlement does not address the problem of a monopolistic company. Microsoft has a huge illegal monopoly, and the punishment/solution handed out by the US Government should be correspondingly drastic. Microsoft should be broken into at least 3 companies:
—operating systems
—application software
—networks

Bell Telephone was broken up, and so should Microsoft be. Look at the explosion of new products and services and the reductions in price which resulted from the Bell breakup. The same things would happen from a true Microsoft breakup.

PLEASE DO NOT LET THEM BUY THEIR WAY OUT OF THIS.

Thank you.
David Hershberger
1235 Bellerock St.
Pittsburgh, PA 15217

MTC–00019747

From: Ari'' email
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I do not feel as a citizen of the United States that the full scope of this compromise has been disseminated to the people who it affects the most. Please do not allow politics to determine the future course of technological advance in the US. Do to MSFT what was done to the sugar companies and the oil companies and steel. Destroy the anti-competitive force that is MSFT and we will once again be the vanguard of technological break through's not patches and security holes.

Thank You for your consideration
Ari Miller

MTC–00019748

From: Dean Chouinard
To: Microsoft ATR
Date: 1/23/02 10:29pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I have worked with Microsoft software for over 10 years and I have a problem with the settlement because it does not prohibit Microsoft from inserting intentional incompatibilities in their software to eliminate competition. This one tactic, which has been technically documented, has probably done the most damage to progress in software development resulting in buggy programs, which I am sure you are aware of in your daily work environment.

Sincerely,
Dean Chouinard
Taunton, Massachusetts; Programmer.

MTC–00019749

From: Barton Grantham
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

Seeing as how the future of human civilization hangs on our ability to create, communicate, store, and freely exchange information, I'd say that any settlement that doesn't fully address Microsoft's unethical attempts to monopolize for great profit the ability to do the above is inadequate. While I appreciate that Microsoft's products enable many companies to streamline their information infrastructure and that to the technology outsider, they may have been seen as the engine of the Information Revolution, this is actually just a subjective observation. The driving force behind the Information Revolution has been, and continues to be, semiconductor manufacturing. Due to advances in semiconductor manufacturing our computers are now tens of thousands of times faster than they were a mere 2 decades ago. I don't believe it is a stretch to say that the miracles of modern software that MS products make possible could have been achieved by ANY company. In fact, many groups have achieved more than MS with less resources, all by riding this wave of exponential hardware upgrades. This is all to say that they are not the cutting edge technology company that many believe them to be. In fact, most industry insiders consider them to be VERY conservative with regards to research and development, always erring on the side of profitabiliy at the expense of technological progress and customer benefit.

There is no mistaking that there have been many competitors to MS who simply failed to take advantage of a situation where they had a strategic advantage. There have been books written about how Apple, IBM, Commodore, DEC, Atari, Netscape, etc. all ''dropped the ball'' when they ere competing head to head with MS in the marketplace. HOWEVER, for every instance of misjudgement on the part of MS's competitors, there is at least one instance of unethical and often illegal business practices that gave MS not just an advantage, but exclusivity to a market. Many of these have been touched upon by the trial, but most in not enough detail. In particular, their ''bootloader'' policy combined with their licensing policy has been extraordinarily harsh:

—They insist that if a hardware vendor sells even one machine with a copy of windows, that they must pay a license for windows for EVERY machine they sell. Agree to this and you get a 90% reduction in license cost. Disagree and you pay retail cost per machine.
—They insist that if you install windows on a machine, it can be the ONLY operating system natively bootable on that machine.

These two policies combine to make a marketplace where now literally NOBODY can compete in the ''Installed Operating System'' market. With regards to the proposed settlement where MS provides schools with free hardware and software . . . This is not a settlement at all! The education market is one market that MS has always found it difficult to compete due to Apple's being entrenched there. This settlement is effectively a way for MS to gain a foothold into a market where they could EASILY recoop their ''billion lost dollars'' within a single software upgrade cycle. On top of this, there are two additional problems. MS claims that they would provide a billion dollars worth of their own product, but it must be understood that their product is infinitely producable for very little money. What would cost them a million dollars in CD duplication fees could pay a billion dollar court fine. The second problem is that, combined with the fact that these schools would likely not have purchased MS software in the first place, this would actually be a positive market movement for the company, not a punishment. Finally, to make clear: Microsoft has been ''dumping'' in the market for decades, banking on it's one day becoming a monopoly and being able to recoop costs by price gouging. The mechanism that has made this possible is stockholder capital. —Right now—is when it will begin this price gouging because their stockholders are chomping at the bit for a dividend. Microsoft has to either suffer the consequences of a stock crash or squeeze as much money from their customer base as possible. The .NET initiative and their model of 'software as service' is part of their plan to entrench themselves as an infrastructure company. If this is not stopped, then the technology industry can expect the 20 years to belong to Microsoft and the average US consumer can expect their participation in digital technology to be accompanied by a ''Microsoft Tax''.

As a technologist and computer programmer for more than 20 years, I must insist that there be NO settlement and NO easy path for this unethical, irresponsible, and destructive company. Our future literally depends on this company being stopped.

Bart Grantham
(grant_b@cs.odu.edu)

MTC–00019750

From: Thomas J. Kempkes
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

The proposed Final Judgement posted at http://www.usdoj.gov/atr/cases/f9400/9462.htm is unacceptable and should not be pursued any further. The stipulations regarding the withholding of APIs and the leeway given to Microsoft to dictate the choice of middleware products are the most repugnent of the bunch.

Abandon this settlement. Either write a new settlement, which doesn't give Microsoft so much power, or get back in the courtroom and go for the jugular. For heaven's sake, Microsoft's been found guilty of being a monopoly and abusing that power to the detriment of the American people and their

economy; don't just call off the hunt now, you've got them where you want them. If I didn't know better, I'd say this new administration was soft on enforcing antitrust laws.

MTC–00019751

From: Craig
To: microsoft.atr
Date: 1/23/02 10:31pm
Subject: bad settlement

I remember how Microsoft sold licenses to computer box assemblers entitling them the load the operating system onto the computer before sale to the consumer. Microsoft charged by the total number of computers the assembler sold. So if the assembler's customer (the consumer, aka the American citizen) wanted a different operating system, the customer would pay for paying Microsoft, then on top of that pay for the different operating system. Now that's monopoly.

Better educated than the Taliban, with more opportunities, and always living in a free society, Microsoft has chosen evil at every turn. Reject settlement. Go for dismemberment.

MTC–00019752

From: George Gilpatrick
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I struggled through the morass of information on the settlement and decided the best way to respond would be tell you what I thought and you tell me if the Tunney Act will do this:

I believe in this country and the spirit that founded it. This spirit was a restless drive for freedom of intellectual expression, refusal to allow troops to be quartered in our houses, and the freedom to pursue our ideas.

Microsoft has systematically sought to suppress intellectual expression, done everything in it's power to force us to have its operating system in our home, and denied us the ability to freely develop software on our own systems without paying a tax. Sounds like King Bill to me.

Those who do not study history are doomed to repeat it. . . .

MTC–00019753

From: Cameron Just
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

Hello,

I would like to vote against the proposed settlement for the Microsoft case. I believe that the proposed settlement will benefit microsoft rather than punish it. The settlement will also harm microsofts competitors and strengthen microsoft proven monopoly position.

Even though I live in Australia I believe that my vote should count as this company is not only affecting US consumers but global consumers.

Cameron Just
5 Ormond Tce
Indooroopilly
Qld Australia
4068

MTC–00019754

From: Darin Hawley
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I've been a software developer for only five years now, but in that time I have developed a great appreciation for the freedom afforded by standards and interoperability. I have come to believe that above all else, data should be free from all encumbrances. Standard file formats ensure that I will always have the ability to access and/or share the data I have created no matter what the circumstances.

The proposed final judgement has absolutely nothing to say in this matter, even though it was explicitly identified as a barrier to entry. I believe that the proposal falls far short of providing a level playing field in the industry, not to mention exacting no real damages from a corporation who has systematically abused the industry for years. In frustration, I often vow to renounce the use of Microsoft software. But how can I do so when they hold my own personal documents hostage?

MTC–00019755

From: wfdeller@wilbur.dhs.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this letter regarding the Microsoft anti-trust matter out of personal concern for the harm that has occurred and continues to occur in the computer software marketplace and consumers.

Based on the information that has been provided on the proposed settlement, I feel, very strongly, that it will provide absolutely no relief from Microsoft's illegal business practices. I think that the most blatant point that the settlement fails to correct is Microsoft's continued hindrance of competing products. Microsoft is in a position to bully any competitor into submission because of its near 100% dominance of the desktop market. In this position, no company will be able to compete, even if it provides its software for free.

In my opinion, the only way to correct the Microsoft monopoly and somewhat level the playing field is to force Microsoft to openly publish the programing interface to its Windows Operating Systems (and that includes Internet Explorer—Microsoft says that it is now a core part of its Operating System) and its applications file formats (i.e., MS Office). This provision is included in the current proposed settlement, but only provides this information for companies that are somehow ''certified'' by Microsoft. The information should be public to all companies and individuals, including security related API's (excluding API's that involve security will essentially exclude all API's. All programming interfaces have some form of security included). Providing this information, to everyone, will allow companies and private individuals to create applications that extend, inter operate and compete with the Microsoft Windows platform.

Thank you for the opportunity to provide feedback on the settlement case. I am truly hopeful that some benefit is realized in the software marketplace as a result of this case. Unfortunately though, unless significant changes are made to the settlement, absolutely no improvement to the competitive landscape will be realized and consumers will continue to be harmed.

Bill Deller
27535 El Ferrol Drive
Mission Viejo, CA 92692

MTC–00019756

From: Pete Smith
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: Microsoft Settlement

To Whom It May Concern,

I do not think that the Microsoft Settlement is harsh enough. This is another case of ''He who has the most money wins''. Microsoft is receiving a slap on the wrist and is being asked nicely to please play fair. They will continue to have a monopoly of the operating system market and will continue their unfail business practices under this ruling.

Windows remains popular not because of stability and security, but because it is the only operation system that Microsoft will allow OEM's to put on their computers. If they want to sell Microsoft, they must not sell anything else.

This is like one company manufacturing the engines for every automobile sold on every lot in the country. Most people don't build their own cars, so they wouldn't know that another kind of engine existed. Just like most people won't remove the engine that came with the automobile, most won't remove windows and install another operation system.

If windows is as good as Microsoft claims, let's let consumers make the decision. Give them a choice of buying a computer from the local department store running windows, linux, unix, etc.

If there is only one name on the ballot, voters have no freedom.

Pete Smith
Electronics Technician
Formerly Third Class Petty Officer, USN

MTC–00019757

From: Tim Malone
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft Anti-trust case, does not go far enough to restrict Microsoft's anti-competitive activities.

For instance, Section III.B allows them to offer discounts on Windows to OEMs based on the number of copies of other Microsoft products they buy. This allows them to leverage their intel-compatible operating system monopoly to gain dominance in other markets, like the the embedded OS market.

Also, the restrictions placed on the use of the documentation released to the competition by Microsoft, nullify the effects of having the documentation. To truly open up the field of competition, the API documentation should be released to the public domain, and no longer locked down under patents and copyrights.

Tim Malone

MTC–00019758

From: KannanArvind@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: Microsoft settlement

I have watched the Microsoft anti-trust trial closely. Being a firm believer that Microsoft has mis-used its monopoly, I was very dismayed when the Justice Department settled the case so lamely. I do not think this is in the public interest. Already, Microsoft is trying to stretch its monopoly with Windows XP, .NET technologies, Web services etc. If you look at all these products, it is clear that Microsoft is intent on pursuing its dominating practices. There is much innovation that can happen in the Web services and other arenas ... but only if Microsoft is forced to allow it.

Yours sincerely
Arvind Kannan

MTC–00019759

From: Rohit Singh
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

Hi,

I think that the DOJ's settlement with Microsoft is short-sighted and in very bad judgement. Rather than thinking about the customers and fighting it out, DOJ is just taking the easy way out.

Thanks,
rohit singh

MTC–00019760

From: Frans de Wet
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

I wish that this be counted as a vote AGAINST the proposed settlement!

Thanks,
Frans de Wet
Tallahassee, F 32308

MTC–00019761

From: Patty MacDuffie
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

Dear Sirs,

Can we please get this thing settled so that the companies involved can get back to business instead of litigation? I can't believe the amount of tax dollars being spent on this worthless litigation; why does the government insist on prosecuting those that are successful? Yeah, let's tax away, litigate away, any ideas anybody might have of the American dream. Let's make it so costly and painful that nobody does it. That's the way to keep a lot of lawyers and politicians employed, but it does very little for anybody else!

Patty MacDuffie

MTC–00019763

From: Eric Hill
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a citizen of the United States and a user and developer of Microsoft Windows-based software, I am writing in strong support of the settlement reached by the US Department of Justice, the nine settling states (including, proudly, my state of residence, North Carolina), and Microsoft to end the antitrust case against Microsoft. I have worked in the computer industry for 15 years. During that time, I have watched how Microsoft's vision has moved the PC industry from toy computers running MS-DOS to powerful workstations running mission critical applications. Microsoft has earned their large market share in the desktop operating system market, by delivering consistently improving products to the marketplace that solve people's problems at very reasonable prices.

During a time in the late 1980's, I worked for a company that, like many others, was undertaking office automation—converting from manual methods of document preparation to computer-based methods. This company had both UNIX-based and Windows-based computers in-house. At the time, Windows-based computers were notoriously unstable, so we tried desperately to find an office automation solution on UNIX-based computers. Unfortunately, it did not exist. Microsoft, on the other hand, had a suite of applications that worked better together than any suite of office applications running on any platform at the time. We went with Microsoft and lived with the instability. This is the stuff of which Microsoft's market share is made. Microsoft delivered products, and their competitors failed to execute.

For the past seven years, I have worked as a developer of software that runs on Microsoft Windows. It is a pleasure to develop software for Microsoft Windows. The documentation that Microsoft provides through the Microsoft Developer's Network is phenomenal, and unmatched by any other company in the industry. Their new software development tool, Visual Studio.NET, is the best tool for developing software that has ever been created. When you combine the ease of developing for Microsoft with the suite of excellent applications that Microsoft also produces, you end up with a platform that is the most successfully competitive and innovative in the marketplace.

The problem with monopolies is supposed to be that they charge high prices and stagnate. Microsoft's competitors, who are urging the judge in this case to throw out the settlement, could only wish that Microsoft had stagnated and charged high prices. That is the real problem for Microsoft's competitors: Microsoft competes incredibly well. This demonstrates what members of the Austrian School of Economics pointed out 100 years ago: Monopolies that do not have ''legal'' barriers to entry protecting them are no threat to anyone, because they are powerless to stop competitors from entering. There is, of course, no guarantee that ''worthy'' competitors will in fact appear, but that is not the dominant company's fault.

In looking through the opinion from the US Court of Appeals, there is exactly one offense committed by Microsoft that should be illegal—the breach of contract and fraud in the Sun Java matter. But breach of contract and fraud are illegal for companies regardless of market share, and Sun took appropriate action to remedy the matter by suing Microsoft. The appearance of the Java matter in the antitrust case is merely double jeopardy.

Other accusations made against Microsoft are for actions that should not be illegal for any company, regardless of market share. In the case of Intel, the relationship that Intel enjoyed with Microsoft was responsible for much of its profit. For Intel to use that profit to develop software that would potentially compete with Microsoft's products is absolutely something that Microsoft should have a right to respond to. All Microsoft did was threaten to take some of their business elsewhere. The right to take one's business elsewhere is a fundamental right that all individuals and corporations, regardless of market share, must enjoy if we are to call this a free society. The fact that the antitrust laws enjoin such conduct for a company with large market share is merely another reason that the antitrust laws must be repealed. Similarly, Microsoft's actions in developing and promoting Internet Explorer through innovative marketing agreements should also be their absolute right. There can be no doubt that Microsoft's dominance in desktop operating systems gave them an advantage for getting Internet Explorer into the hands of users. But it was an advantage that they earned. Microsoft's push of Windows into people's homes also created a huge market for Netscape to sell into.

The most absurd concept in court filings that I have read is the concept of the ''applications barrier to entry'', and the notion that the court must take action to reduce or eliminate it. The so-called ''applications barrier to entry'' actually represents what an incredible job Microsoft has done creating software that works well together to solve the problems of their customers, and the great job Microsoft has done making it easy for third parties to develop software for Windows (Visual Basic being one shining example). Those who are calling for a reduction in the ''applications barrier to entry'' are asking Microsoft to be punished for the great things they have done, not for those things they have (allegedly) done wrong.

The antitrust case against Microsoft has been an embarrassment for the United States. It is time to bring it to a close in a way that prevents the most egregious (in the opinion of some) conduct, while leaving Microsoft free to innovate and enjoy the advantages that their 20-year history of developing great software that is accessible to the masses. Microsoft's competitors have had ample opportunity to get their act together over the last 20 years and put forward a platform that would compete seriously with Windows. Those competitors have failed miserably at every turn, and now seek to use the fact that everyone wants Microsoft's products against Microsoft to gain an advantage that they were unable to earn in the marketplace. The settlement is a punishment that fits the crime. Please accept it and let us move on.

Sincerely,
Eric W. Hill
208 Wedgemere St.

Apex, NC 27502

MTC–00019764

From: Joe Norton
To: Microsoft ATR
Date: 1/23/02 10:34pm
Subject: MS anti trust

It blows my mind how there is any doubt as to whether MS should be broken up. Look at what the break up of AT&T, and the telecommunications act of 1996, did for the telco industry. If that had not happened, we would probably still be using rotary phones and would have never heard of DSL or T1's. While MS has produced a product that has helped spawn the digital age and the growth of the internet, they have become a fat cat company who decides to play by there own rules. Imagine the innovation that would result if everyone had there chance to produce there own version of Windows. Not only would consumers enjoy more choices and most likely lower prices, but the fact that anyone can tweak the Windows platform to their own ideas would mean new uses for the PC in the home and office that no one today could even imagine. Or, we could let MS decide the future of the PC, which , without a doubt would be a future friendly to MS and there stock prices.

MTC–00019765

From: Steve Richards
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

Don't let them off the hook. If you do we will never have a computer operating system that doesn't crash... They destroyed Novell, Netscape, OS/2, Digital Research, and probably many others

Steve Richards
72 Pleasant St
Norwell, MA 02061
<Steve@aducredit.com>

MTC–00019766

From: Jason Naglich
To: Microsoft ATR
Date: 1/23/02 10:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe the current settlement proposed with Microsoft is a mistake. Give Microsoft's past track record and their ability to stifle new technology rather than innovate is more reason to split them up than to let them stay a single entity. As an IT professional, that is my opinion. Thank you for your time.

Jason Naglich

MTC–00019767

From: Annette Mercer Alexis Wieland
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:

I do not like the Proposed Final Judgment in the Microsoft case. It does little to prevent continuation of their monopoly and little to punish their past behavior. It also appears to offer little enforcement.

We are an average family using a PC for word processing, games, desk top publishing, etc. I would like to have more options of programs and more ability to mix and match. I think it would be in the public interest to have more competition.

Sincerely,
Annette Mercer
2647 Glendon Ave
Los Angeles, CA 90064

MTC–00019768

From: (042) (035)
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I find it appalling that Microsoft, for all intents and purposes, will not be penalised for the monopolistic business practices they have engaged in and the contempt with which they have treated PC users and consumers worldwide.

Your job here is to hold them accountable and at the same time ensure they are deterred from engaging in such practices again. A softly, softly approach will not be a win for the computing public nor will it discourage those that follow after Microsoft.

Michael Walker

MTC–00019769

From: Hector Arroyo
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

You'll be getting alot of these so I'll keep it brief.

The remedies are far too lenient in regards to Microsoft. The remedy it's suggested for itself would actually have the effect of increasing it's market share in school while simultaneously decreasing the primary computer platform's (it's competitor Mac) presence in the classroom additionally they would have us allow them to inculcate our nations youth into their software while they're still in school. The notion that this company is willing to offer such a remedy on it's behalf ostensibly to correct it's behavior but ultimately to increase it's mindshare is a slap in the face of the justice you should be upholding as it's care taker for our nation.

As to what remedies should be imposed I'm no expert but it seems to me that they should be closely watched by government representatives at their own expense. They should be required to submit to free agents whose salaries are paid for by Microsoft to have complete free roam of their facilities/practices/contracts etc for a period of not less than 10 years. Such free agents would be required to make monthly reports, as well as a comprehensive yearly report, to the appropriate agency.

They should be required to eliminate their surplus revenue as profit to their shareholders. Part of Microsoft's problem is that they tend to utilize their enormous bank account to threaten competition. Microsoft should be made to make financial restitution to any and all individuals and corporations that have been harmed by it's acts. Microsoft should be banned from creating or conducting any new businesses outside the software for pc platforms and support and development of it's subsidiary business already created such as Xbox.

Failing that. Separate Microsoft into component companies each to have free government agents reporting on it's behavior.

MTC–00019770

From: Frederic W. Brehm
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. If I violated Federal law, I would be punished. Just saying ''I promise not to do that again'' would not be acceptable to the court. A violation of Federal law requires punishment AND some way of assuring that the violation will not be repeated. Microsoft has managed to dodge both the punishment and the assurance in the past. It's time to make sure that it does not happen again.

I am a software engineer who specializes in real-time embedded systems. I know something about the architecture, design, and implementation of computer systems. A modern operating system divides responsibilities among programs that run in separate ''address spaces'' or in separate computers communicating through some communication channel.

Microsoft should publish the details of the programming interface that allows programs in separate address spaces or on separate computers to interact, and how they store persistent information in files or other storage media. This is not the same as the implementation of the programs; source code does not have to be disclosed. The information is only how to talk to the programs. This will prevent Microsoft from using proprietary interfaces to drain the ''oxygen'' from potential competitors.

This information should be disclosed for any program, operating system, hardware, or other object that Microsoft sells at retail, or delivers to distributors, OEM's or special partners to be sold as part of a bundle of hardware, software, or services. This information must be disclosed in a reasonable time frame and errors corrected in a reasonable time frame. This time frame should be short enough that Microsoft does not gain competitive advantage over others who wish to make use of the interfaces. (This is part of the punishment.) The information should be free of any encumbrances or restrictions on its use. An independent auditor should should be appointed to judge the timeliness of the publication of the information, and nobody should be enjoined from suing to gain timely access to the information. If the auditor or a judicial proceeding finds that Microsoft has illegally restricted the information, then the full source code for the affected program must be published with no restrictions on its use.

Another method that Microsoft has used to extend its monopoly is to provide special pricing in exchange for special favors. While this is not, in general, a bad thing for a business to engage in, it is very bad for a monopoly to use this method to leverage its market dominance. As a punishment, Microsoft should be prevented (perhaps for

some limited time like five or ten years) from using differential pricing in all markets. Microsoft should use a uniform pricing schedule for all customers. The pricing can vary by volume, and perhaps by gross market segment (OEM, government, education), but should not vary by combinations of products ordered nor should the schedule dissect the market into tiny segments that change over the time the restriction is in effect. Judicial oversight must be exercised, perhaps by allowing lawsuits by plaintiffs that believe that they were classified incorrectly.

This is an outline of what I think would be a fair and equitable arrangement with a company that has never played fair, nor has understood their relationship to the government that protects them. If the company cannot abide by these restrictions, then it must be broken into separate pieces that do not command a monopoly power over their respective markets.

Sincerely,
Frederic W. Brehm
31 Nassau Drive
Lawrenceville, NJ 08648–1443
1–609–844–0747
fbrehm@computer.org
fbrehm@mac.com
fbrehm@sarnoff.com
brehmf@acm.org

MTC–00019771

From: Terry Magee
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

I wisht that this be counted as a vote AGAINST the proposed settlement with Microsoft.

Thanks,
Mona T Magee
Tallahassee, FL 32308

MTC–00019772

From: Ken Thompson
To: Microsoft ATR
Date: 1/23/02 10:36pm
Subject: Microsoft Settlement

I think the proposed settlement is a very weak punishment for Microsoft. In general it will give them more power to use their monopoly . It will be especially bad for future recourse as a precedence will already have been set. PLEASE re consider and impose a stronger remedy.

Ken Thompson,
North West Antique Autos
Payette, Idaho
Email: ken@nwaa.com
http://www.nwaa.com

MTC–00019773

From: julio@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement

The settlement is a bad idea because
—It does little to punish Microsoft for past misdeeds on the competitive arena,
—Does even less to insure Microsoft does not repeat its anti-competitive behavior.
—Amounts to a tolerance of a virtual monopoly, against the public interest.

Profoundly disappointed,
Julio A. Cartaya

MTC–00019774

From: Richard A. Ortt
To: Microsoft ATR
Date: 1/23/02 10:36pm
Subject: Microsoft Settlement

Attached is a letter for the Attorney General. I debated about sending this until I heard about Netscape's lawsuit. Someone should sue Netscape for its bad software.

Dick Ortt

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

I would like to express my thoughts regarding the settlement of the Microsoft case. To begin with, this case was ludicrous from its inception. It is way past time that this case is settled and I certainly hope that there will be no further delay in the process.

I worked in the computer industry for many years, building computer systems for the telephone industry. I have used various products and dealt with Microsoft as well as many of its competitors. Microsoft may have perhaps used their position unfairly, but that only happened because of their wise business decisions and exceptional products. As part of the settlement, Microsoft is giving away interface design information, protocol for their server systems and they are allowing competitors'' software on their Windows platform. They have also agreed to make several changes in their unsavory business practices to restore fair competition to the computer industry. Combined, all of this addresses the problems that were accused of Microsoft and adequately represents the public interest.

This whole issue has been a farce that selfish politicians have used to gain attention and popularity. Despite their supposed problems, Microsoft has set a standard for the entire computer industry. The computer industry and the entire economy would be much better off if Microsoft is allowed to get back to business.

Sincerely,
Richard Ortt

MTC–00019775

From: Nadia Pervez
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: microsoft settlement

To Whom it May Concern:

I think the proposed Microsoft settlement is bad.

Sincerely,
Nadia Pervez
Graduate Student
Electrical & Computer engineering
University of California
Santa Barbara CA 93106
805–893–5935x222

MTC–00019776

From: Andrew Zolli
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am very disturbed by the current settlement offer made by DOJ in the Microsoft antitrust case. In particular, I am in complete agreement with the critique of the settlement posted on http://www.kegel.com/remedy/letter.html. I believe that increased competition is vital to the growth of the computer industry, and that the current settlement does not go far enough to discourage Microsoft's anticompetitive practices.

I urge you to discard or improve the current settlement.

Yours truly,
Andrew Zolli
Brooklyn, NY

MTC–00019777

From: rip@voltz.willapabay.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Settlement

I am utterly dismayed with the Department of Justice's proposed Microsoft settlement, because it is so full of loopholes that Microsoft will have no legal fetters to curb their predatory behavior. Just as happened with the first antitrust decree, of February 14, 1995, wherin Federal Judge Stanley Sporkin refused to approve the consent decree negotiated between the U.S. Government and Microsoft to settle the antitrust complaint filed against Microsoft by the Government at that time, Microsoft will be able to skirt around the terms of the present settlement offered by the Department of Justice, because it is just too full of holes. Stop Microsoft's predatory behavior NOW, by throwing out the Department of Justice's proposed settlement and demanding a settlement that will have strong controls over Microsoft's behavior. The present Department of Justice proposed settlement is an atrocious miscarriage of justice.

Edmond Jane
45 Fourth Street
Bay Center, WA 98527–0444

MTC–00019778

From: Rohit Singh
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

Hi,

I would like to register my protest against the proposed remedies in the Microsoft case. In particular, I'd like to point to Microsoft's use of proprietary file-formats to counter competition against its suite of MS Office product. At the same time, Microsoft's decision to not support free and open-source OSes means that compatible software is not available to a signficant fraction of the consumers. As such, this issue should be taken care of.

Thanks,
Rohit Singh

MTC–00019779

From: Devon Stephens
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settelment

As a computer user, and IT professional, I feel very strongly that the proposed Microsoft Settlement will do nothing to punish past monopolistic practices, or to prevent future violations of anti-trust law. Most importantly, what the settlement fails to address is that

Microsoft is already entrenched in a dominant, monopolistic position, achieved in large part through unfair business practices. Creating a Technical Committee may (or may not) help with future problems, but does nothing to fix what has already transpired.

Lastly (for this letter; I do not pretend that I am addressing a majority of the problems with the settlement), I would point out that much of Microsoft's monopoly is maintained through mechanisms not mentioned in the settlement. For example, Microsoft Word is the dominant word processing software mainly because it's file format is proprietary and controlled by Microsoft—and changed frequently, so that no other program can reliably use it. If a standard file format were enforced, competing products would have a chance to co-exist and interoperate with Word; something that just cannot happen today. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Devon Stephens

MTC–00019780

From: Ken Smith
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement

I am disgusted that the my government continues to attack the most innovative, progressive company in this country. Microsoft does more in a day for this country then AOL, SUN and the other whiners do in a year. The won't compete on price or product, so they use patsies like the government to protect their fat margins and laziness. This is supposed to be America—where hard work gets you ahead, not sued.

Disgusting.

MTC–00019781

From: rworth@students.depaul.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

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Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA).

It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says,

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows:

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR- DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy_filing.pdf.

Sincerely,

Ryan Worth Chicago, Illinios

MTC–00019782

From: bill
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Settlement

It is with the utmost respect and confidence that I address you with my grievances. It is without question that Microsoft has practiced monopolistic business practices. They have grossly hindered innovation by dismantling the machine of progress. Buying out competitors, and using an army of lawyers to protect their actions. While the army of lawyers and publicists have sold us a tale of a company that encourages competition by providing us software. They no longer sell us software they rent it to us behind EULA that forces us to surrender the fair use of the products they offer. They have taken drastic steps to prevent pc manufactures from selling pc without windows at the same time claiming to support innovation and diversity. They have eliminated the consumer's ability to choose other products. Consumers are the worse for the monopolies actions. The economy is dependant on innovation to create and maintain new industries and new technologies and in turn those innovations create new industries that they create. It is this injustice to the economy of the United States of America that is the true injustice. This is precisely why the Anti-Trust Laws exist to protect small businesses, major corporations and the innovations that make this nation great. The illegal and destructive damage caused by Microsoft have gone unpunished because they have a well funded army to hide behind. The money earned for the products forced upon a society without choice is used to further entrench the position of power by removing competitors. The list of companies and technologies they have assimilated include the likes of Novell, Sun, and IBM along with numbers of smaller ones. Netscape Navigator is a product from the top of the list.

I hope you will repay the injustice of this giant monopoly Microsoft Corporation by breaking the stranglehold they have on our country. Every empire is built at a cost. Microsoft has paid with the innovations of an industry. They're plunder is at the expense of our way of life and our liberty.

Open Source the technologies they have hindered. Break their hold on the industry. Prevent them from making deals with OEM's and forcing their product on a us. Provide the ability for others to create similar products that will promote competition.

Separate the Browser from the operating system. Divide Microsoft into separate corporations: Operating Systems, Office Applications, and Business Class Servers.

Bill Brinkley
MIS Technician
The Baptist College of Florida

MTC–00019783

From: Clayton Randall
To: Microsoft ATR
Date: 1/23/02 10:40pm
Subject: Settlement is unfair to consumers

The proposed settlement by Microsoft does nothing to address or remedy the monopolistic practices that Microsoft continues to employ daily. Please do not allow this to continue as the entire tech industry is destined to be rolled over by the money roll that Microsoft is using against smaller competitors.

Thanks to Microsofts practices, there are extremely high barriers to entry into the market for entire sectors of software, since they are using their predominance in the OS market to extend into other segments ie: WebBrowsers.

MTC–00019784

From: Matthew Ostwald
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

This settlement is not only insufficient, it actually extends Microsoft's monopoly. I find it utterly amazing that it was even considered in the first place.

Although I am currently living in Japan, Microsoft's monopoly affects the rest of the world as well. Please reconsider this settlement, for the sake of the computing industry.

Thank you.

Matthew Ostwald
Senior Engineer
Computec Engineering Ltd
Prince Avenue Bldg, 7th Floor
3–33 Kioicho, Chiyoda-ku
Tokyo 102–0094
Japan
Telephone+81 3 3511 8190
Fax+81 3 3511 8198

MTC–00019785

From: Christine Palma
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

I'm a tech-savvy voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behavior.

Regards,

Christine Palma
(714) 979–3414

MTC–00019786

From: Alfred Lang
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

I think that this settlement is absolutely shameful!

This is the last opportunity to stop a runaway corporate monster from buying Justice.

No computer in the world has been sold without a Microsoft operating system, and if that isn't a monopoly, I don't know what isn't!! Yes, EVERY computer, as M$ owns a part of Apple.

No other company can hope to offer competition if this settlement goes through.

I'm an American, working for an American company, and would find it difficult to hold my head up, knowing that my own government cares less about me, than an aberration that has taken business ethics to new lows.

Hopeful,

Alfred Lang
Testing Specialist
Level 2 / 293 Camberwell Rd.
Camberwell VIC 3124 Australia
(v) +61 (3) 9811 8027
(f) +61 (3) 9811 8099
Nasdaq: QSFT
www.quest.com

MTC–00019787

From: John Johnston
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: AOL COMMENTS

Dear Department of Justice,

I can't say that I was surprised at the filing by AOL against Microsoft, there are however several things I would like to comment on. AOL uses a proprietary version of the TCP/IP protocol that is the language of the internet so to speak. By doing so make their communications protocol proprietary and when someone decides to switch to another ISP they find out their computer either crashes or locks up. These persons have no trouble in going back to AOL but can't leave, and they don't get much help from AOL, what they have to do is replace files modified on their computers to make the switch away from AOL. I speak on this as someone working in the computer field and I get calls from people as to what to do. Often, I have to download the files they need and install them on their systems for them. AOL through some rather shabby accounting is also taking a loss this quarter to the tune of $60B, this is good that they are restating their shareholders equity, but a decrease of 33% in one quarter smells a lot more like Enron than anything else. If the DOJ wanted to do something they could along with the SEC and FASB straighten out this sort of thing. Finally, it would appear that they would have to be pretty dumb in the first place since they bought Netscape's browser after an earlier court ruled there was no law violation in Microsoft adding the browser. AOL also interestingly had a relationship with Microsoft that placed their service on the Desktop via the OS software installation. Even though they owned Netscape they found using Microsoft for customer acquisition, and installing their Internet Explorer browser a better way to go. Product reviews in the WSJ gave the lead to Microsoft as well. Since AOL owned Netscape, and since they didn't deem it a priority to push their browser, it seems they are responsible even more so for its market share. One of the reasons that I upgrade computers is because of the software that is bundled with them. It is also of course for the newer hardware as well, but there is no comparing the value of a system that has the OS software you want, and the productivity software as well. Since the DOJ started their antitrust actions against Microsoft I don't think that I have had the same value as I used to.

The Europeans seem to be following your precedent of litigation as well, if you are successful in disciplining Microsoft in the ways that Scott McNeally and Steve Case would like, you will undermine innovation and value both. Only corporate purchasers will have the ability to leverage the software combinations they want, the small business and consumer will have been screwed. This is not the way Microsoft's antagonists would view it however, to them it would be a victory. So much of the software I have bought comes with one year support, and nothing after that without paying each year. This is not unlike Microsoft's way of doing business, but they put so much free help on their web site I don't mind having a problem. Programs from Intuit, Corel and others have failed in some aspect or another and their answers are buy the new version. When Enron collapsed, there was a big loss to peoples retirements both in the case of State run funds and individuals. The amount of loss to the consumer was of course significant, clearly to me as a result of the antitrust suit against Microsoft much much more was lost to investors in the roughly $300B decline in the capitalization of Microsoft. Microsoft has made software that was hard to use, easier to use, more versatile, more desirable, less likely to need a continuing support from the source, and moved specialized software to commodity product status. To witness, Oracle was the king of data base software, now you can buy it at Wal-Mart. If diversity is so great why are their eight versions of UNIX, none of which are compatible with one another? Take the example of Sun Microsystems, if they used someone else's version they would have to pay licensing fees, so they customized their own. Now they can collect maintenance fees duh. Not a thing that the antagonist want is for the consumer, it is against the consumer and for each of their bottom lines. And in the case of the State's AGs, it is for their political gain. I can't see how you are ever going to go anywhere trying to develop a formula that simultaneously solves an equation with twenty variables that keeps changing all the time. I am glad that my AG in Montana is not a part of this fiasco, and I made a point of telling them so. The people who signed on to this action against Microsoft have made it easy for me to decide who not to vote for. I believe they have degraded the standards of justice, and the continuation of this continues that course.

John Johnston,
Boulder, Montana

MTC–00019788

From: Richard Herrell
To: Microsoft ATR
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

The Microsoft Settlement is not in the public interest because individuals and open source software projects are exempted from access to documentation given to corporations, and there is no meaningful mechanism preventing further consumer lock in with proprietary file formats.

Regards,
Richard Herrell

MTC–00019789

From: jluther@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:40pm
Subject: Microsoft Settlement

hi my name is james luther i am disabled and use the internet and computers all day long, i live computers and i must say leave Bill Gates and Microsoft alone. Bill Gates is a pioneer and should be honored for his achievements, he produces the best product bar none. has given mucho money to charitable organiztions, employed thousands and made computers accessiable to every moron who can afford one and other morons who couldnt i might add. The man is a inventor and true business leader, he should be encouraged to continue on in his tasks, his company and there ideals exemptify whats right with this country, not wrong. If anyone cant compete with him is it really his fault?

let this guy go and encourage him to work on some of the worlds problems hell he is the smartest(excluding myself of course)man in the usa, hell he ougth to run for president, id vote for him. good luck bill stick it to those dumb ass beaucrats. best of luck and i hope you make another 70 billion. captialism rules.

Bill Gates for president

james luther, i use to pay taxes before i became disabled

540–673–5255

MTC–00019790

From: Richard Herrell
To: Microsoft ATR
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

The Microsoft Settlement is not in the public interest because its terms allow Microsoft to exclude open source software projects such as SAMBA, Apahe, and OpenOffice.org from technical details of Microsoft implementations, allowing Microsoft to continue to benefit from it's illegally obtained and maintained monopoly on both client operating systems as well as web browsers. (Section J. 2. Paragraph c ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. A fair settlement would ensure that open source projects have resonable access to Microsoft protocols.

SAMBA, the most significant competiting implementation of Microsoft's file sharing and authentication protocol.

Open Office (the basis for Star Office, the most vigorous competitor to Microsoft Office) will likely face significant hurdles in obtaining data on newer Microsoft file formats.

The settlement has been characterized as full of large holes, confusing, subject to manipulation,

Analysis of the Microsoft Settlement from a Samba perspective http://lwn.net/2001/1108/a/samba-ms.php3

He's Not in It for the Profit http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Why competitors are largely quiet on Microsoft settlement http://www.siliconvalley.com/docs/news/tech/049642.htm

Washington Post: U.S. Settlement Leaves Microsoft More Entrenched http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A22–2001Nov8

Thoughts on the Microsoft Settlement by Tim O'Reilly http://www.oreillynet.com/cs/user/view/wlg/808

Microsoft decision questioned http://money.cnn.com/2001/12/12/technology/microsoft/

MTC–00019791

From: R.C.
To: Microsoft ATR
Date: 1/23/02 10:42pm
Subject: Microsoft Settlement

This has to be the the worst settlement in our history for the end user, ie me et al. Microsoft has conned some poor judge who has No Idea of what Microsoft is capable of. Break them up, soon, and keep them Apart.

R.C.Johnston
7674 Rotherton Way
Sacramento CA 95823

MTC–00019793

From: John Harris
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Sirs:

I am writing to express my strong disagreement with the proposed Microsoft anti-trust settlement.

I am a computer systems specialist with almost 30 years in the field. I have work with virtually every major system including Microsoft's. While there are many points I disagree with, the most glaring is the proposed oversight group. This proposed group would have no binding powers, legal or otherwise, over any of Microsoft's actions. It seems unthinkable to me that anyone would believe that this oversight group is an appropriate remedy. Microsoft will not heed the groups recommendations, Microsoft does not heed the mandates of congress! I see this proposed remedy as vacuous and no remedy at all. While Microsoft damaging the computer industry is one thing, I worry that Microsoft will enter into other industries and continue its strong handed tactics. I fear a financial industry dominated by Microsoft.

Regards,
John Harris

MTC–00019794

From: glen@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:43pm
Subject: Microsoft Settlement

I believe the settlement is a bad idea.
Glen Cornell
1428 Buckingham Rd
Grosse Pointe Park, MI 48230

MTC–00019795

From: Dave Erickson
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea because it does little to restore competition to the marketplace.

Thank you. —
Dave Erickson
(http://www.rightwithgod.org)

MTC–00019796

From: Lee Neeley
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

Lee Neeley
4319 Pescado Way
Reno, NV 89502–4978

January 23, 2002 Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

I firmly believe the federal government should have broken up Microsoft. This case should be pursued to ensure that Microsoft does not continue it's actions of suppressing competition and eliminating competitors by unfair means. Competition means creating better goods and offering superior services to consumers.

Sincerely,
Lee F. Neeley

MTC–00019797

From: Larry Bodden
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Hello,

I am both a user of Microsoft and Apple Computer products. I regard myself as a very proficient user that keeps up with the latest technology on a daily basis. After reviewing the proposed settlement, I am discouraged to see that the Justice Department has taken such a lenient stance in regards to the proposed settlement. I believe that harsher punishments are necessary and are justified considering that Microsoft has been found to be a monopoly by two courts.

Larry Bodden

MTC–00019798

From: Chris Beelby
To: Microsoft ATR
Date: 1/23/02 10:46pm
Subject: Microsoft Settlement

As I look over the details of the Microsoft Anti-trust case I am amazed at what Microsoft has been able to get away with over the years. I must admit that at first I thought the whole idea of Microsoft having a monopoly was ludicrous but the more I have read and thought about it the clearer it has become that Microsoft does not only have a monopoly but has used that monopoly to further the monopoly. One of the tactics that Microsoft uses (and many companies use) to perpetuate this monopoly is through the use of ''secret'', ''proprietary'' or ''copyrighted'' software, file formats, protocols, and the like. To better understand this think of how the Internet has grown so exponentially over the past few years. A major reason that the Internet was able to grow was because of its openness (in software, file formats, protocols and the like). Standards for communicating between nodes and in published documentation on how to use technologies such as HTML and Email. Email protocol (and all related protocols which allow me to send and receive messages to someone like you) are all open to everyone. By that I mean that anyone who wants to know how something like email works can know how by looking up information on it. They can use that information to develop their own software to send a receive messages so that they are not forced to use the software of any one company. Their program will work with other email programs because they are all using open, accepted, standardized protocols and rules. At an even more basic level the TCP/ IP (Transmission Control Protocol / Internet Protocol) which is what allows all the millions of computers connected to the internet to locate and send data between each other is an open standard. If any one company had complete control over something like TCP/IP they would control the entire internet as we know it. Not only that but they could then use that control (through things like copyright and patent) to make it so that anyone else trying to

implement the same standard or communicate with them would not be able to.

Having open documentation on how things work allows different people or companies to all use those methods equally and does not lock them into any one companies proprietary software or methods of doing things. For example this message is sent to you in plain-text. You can read it using any program that understands the American Standard Code for Information Interchange. Since ASCII is open anyone can exchange information using it and no one can prevent someone else from using it. This is basically what I am meaning by openness in this letter (the ability of anyone to find information on how to use a technology and the inability of anyone else to prevent someone else from using that information however they like). If I were to send you a message in a Microsoft format such as Microsoft Word (.DOC) you would be forced to use a Microsoft product to read that message because it is encoded using a proprietary format. No other company can make a product that can read a DOC file because it is Microsoft's proprietary format and it is protected by Microsoft's copyrights and patents (which is unethical). If

Microsoft were forced to make open things like it's proprietary word DOC format it would allow others to read their documents and thus not force Microsoft's own software on people. Software developers (other than those employed by Microsoft) could write an email client that could read email messages sent in the Microsoft DOC format. This is just one small example of how using ''proprietary'', ''undocumented'' , ''secret'' formats and protocols helps to perpetuate a monopoly.

Open source software is a buzz word that has come up recently and is gaining much popularity. Open source developed software has been proven to work just as well if not better than proprietary ''secret'' software (despite what Microsoft would like us to think). The key to ''openness'' is preventing any one entity from being able to completely control a resource, technology, or protocol. Microsoft should be forced to take action which will make all their ''proprietary'', ''secret'' information open to everyone so that anyone can develop software to effectively work with Microsoft products. Once people are no longer forced to use Microsoft products they can begin to make more free choices as to things like which operating system software they really want to use.

Christopher Mark Beelby
1314 Clover
South Bend, IN 46615
(219) 532–1354

MTC–00019799

From: Daniel J. Cody
To: Microsoft ATR
Date: 1/23/02 10:43pm
Subject: Microsoft Settlement Case

It is my belief that a very strong set of rules must be placed on convicted monopolists like Microsoft to insure that they are unable to continue their illegal activities and the proposed settlement doesn't do that.

Daniel Cody

MTC–00019800

From: Ted Killmeyer
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Sirs,

I am a computer professional and citizen of the United States of America. I must comment on this settlement. In a word it is ''Unsound''. Why do I say this, because as most of my colleagues can attest too, we have grown up under the ''Microsoft Era'' and where as they did initially a lot of good for the computer industry (must give the devil his due) They, for the past 10 or so year, have used their financial position and any other means at their disposal to kill any and all competition. this remedy will not stop this. They have a culture (since they live and work in campuses) that is soaked up by each employee and will not be very easy to change. This mirrors the culture that the military has and that has proven to be almost impossible to change, as seen by the repeated abuses of women and other minorities with in the military. The consequences for Microsofts actions must be much more severe, or nothing will be changed in their business practices.

Yours,
Ted Killmeyer

MTC–00019801

From: Matt Fago
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Antitrust Case

I hope that the DOJ starts to take this case seriously again and assign punishment commensurate with the crime. A crime WAS committed here, but too many lawmakers own MS stock to do anything about the case. The proposed ''settlement'' was little more than a party-invitation to Bill Gates. A free market is one thing, criminal sales and licensing practices are another.

If you cannot split MS up, find an alternative punishment that will have some effect on the company. Like forcing them to release the source code under the BSD license.

Matt Fago

MTC–00019802

From: Richard Namon
To: Microsoft ATR
Date: 1/23/02 10:46pm
Subject: Microsoft Settlement

Dear US Dept. of Justice:

I cannot understand how the remedies in proposed Final Judgement will fully offset or cure those Findings Of Fact by Judge Jackson confirmed by the Appellate Court. I think that many of current Microsoft product flaws are the result of complacency resulting from Microsoft's monopolistic operation. Without actually reducing the strength of this already too large monopoly, the punishment will fall short of the crime. There are alternatives to splitting up Microsoft in the fashion of AT&T, but they would have to significantly weaken Microsoft's market dominance for the settlement to be fair to the public. Anything, it appears, that Microsoft will agree to out of court, will not accomplish that goal. I hope an impartial Judge will do better than the proposed Final Judgement.

Thank you for your consideration in this matter,

Richard Namon

MTC–00019803

From: Linda Laubenheimer
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement

Comments:

The proposed final judgment is inadequate, and contains loopholes big enough to drive a monopoly through. I urge you to demand stricter penalties and broaden the scope of the limitations on Microsoft's predatory pricing, FUD, and non-disclosure of technical interoperability requirements. Any and all APIs, ActiveX, and other OS ''hooks'' and interoperability features should be disclosed to the public on the first beta release of any version of their OS, and then the disclosure should be maintained accurately for the duration of the product life cycle. Specific Criticisms:

''AND WHEREAS, this Final Judgment does not constitute any admission by any party regarding any issue of fact or law;''

The findings of fact concluded that Microsoft is a monopoly. The settlement should not allow them to wriggle out of it.

''2.that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.''

This clause allows Microsoft to re-engineer and change their products so that third party software will no longer interoperate, thus forcing the user back to the Microsoft ''fold''. This is a bad idea. Also, it apparently only applies to ''ISV''s, which leaves out the rest of the software developing business. Very bad.

''c.Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC of the nature of the complaint and its disposition.''

:==This is rather toothless and vague, allowing Microsoft to simply reject complaints and tell the TC to buzz off.

''d.No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.

'':== This reads like 'if it goes before the TC, it can be buried there by Microsoft'

MTC–00019804

From: mekanic@thig.blarg.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Dear Department of Justice,

I have been stewing over this matter for some time now, and feel I need to speak out. I am a computer user (obviously) who in fact

resides in the same State as the microsoft corporation. While I realize that microsoft does well for the economy of Washington, it disgusts me in the way that they have accomplished this. Perhaps even accomplished this to the detriment of the Nation as a whole.

The fact is; that the Court of Appeals has indeed held that microsoft is a monopoly, and did violate antitrust laws. Without strenuous recourse they will continue to do so, and in doing so will stifle anything that they see as a threat to their continued monopoly.

The agreement between the Department of Justice and 9 of the States that filed suit seems woefully inadequate to address the crimes that microsoft has commited, and as such, I feel it should be nullified. In fact, there should be an immediate start of a penalty phase, with no further delays.

I dare anyone involved in this case to go out and purchase the latest copy of microsoft winxp, load it onto their home machine, and see if your blood does not start to boil as a result of the arrogance that microsoft thinks I should let my machine become basically a piece of spyware! <note> I removed this from my system, and will no longer run anything at all microsoft related, it is none of their business what hardware I own!

Thank you for your time and consideration in this matter.

Sean M. O'Grady

Believe me when I say that

—

''My God, It is full of stars'' —David Bowman

MTC–00019805

From: Haley Thompson
To: Microsoft ATR
Date: 1/23/02 10:48pm
Subject: Microsoft Settlement

Judge,

I am writing to express my disagreement with the Proposed Final Judgement. Microsoft is clearly in the wrong and is detrimental and dangerous to the free market economy that our country depends on for its economical success and prominence. I believe that PFJ is not a suitable solution because it does not provide the means of enforcement that would be necessary in order for a remedy like this to actually be effective. Thank you. Haley Thompson 701 West 32nd Street #17 Los Angeles, CA 90007 CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00019806

From: KaHa
To: Microsoft ATR
Date: 1/23/02 11:03pm
Subject: Microsoft Settlement

Ladies and Gentlemen, I am adding my voice to a plea to preserve digital Freedom for us all. If Microsoft Corporation is not effectively brought to heel, they will use their monopoly on desktop computer operating systems to turn the internet, which has always been based on Free and Open standards, into a Microsoft owned and operated tollroad. Please do not allow this to happen. Those of us who value Freedom (as opposed to Microsoft's ''Freedom to Innovate'' parody of the word) are fervently hoping that you will see the harm that will come of allowing this bully and predator continue with its tactics. Imagine if we all were forced to drive Ford automobiles, because Ford owns the roads, and designed them so that Chevrolets, Toyotas and Volvos could not use them.

''Comply, Purchase Windows and Be Happy—or Start Walking'' is a much more accurate slogan than: ''Where Do You Want To Go Today?''.

Sincerely,

Karl H. Jackson Prineville, OR, USA

kaha@colug.org

MTC–00019807

From: Tony Mizukami
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I would like to make my comments as a US citizen as part of the Tunney Act proceedings in the antitrust case against Microsoft.

I think that the proposed settlement as it stands is NOT an effective way to break the monopoly held by Microsoft, and for any meaningful antitrust action against Microsoft that settlement must be REJECTED.

Thank you,

Tony Mizukami

MTC–00019808

From: Hollis Scarbrough
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement
leben_N?21525 Dawn Hill East Road Siloam Springs, AR 72761
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I want to express my appreciation to both the Department of Justice and Microsoft for reaching a settlement of the antitrust lawsuit. Throughout the three years that this suit has been pending, the complaint I heard most frequently voiced by consumers was their lack of choice in Internet providers when they used Microsoft's Windows operating systems in their computers. As I understand the settlement, Microsoft has agreed to allow its Windows systems to be reconfigured so as to allow competition from non-Microsoft products, including the Internet access software. This is very much a pro-consumer settlement.

Obviously many of Microsoft's competitors will continue to push for further concessions from and punishment of Microsoft, but I hope that you continue to remember that it is the consumers that you are obligated to protect.

Thank you for considering my comments.

IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<> '''' '' ''''''

Sincerely,

Alice Scarbrough

MTC–00019809

From: kasi greene
To: Microsoft ATR
Date: 1/23/02 10:45pm
Subject: Micorosoft Settlement

MTC–00019809—0001

Judge Kollar-Kotally,

I ask you to vote against the proposed settlement in the Microsoft suit. This proposed final judgement is harmful to the American public as it allows a monopolist to continue his illegal activities. Every court has found Microsoft to have violated anit-trust laws, thereby reaping many billions of dollars of profits. However, this settlement allows the compant to keep virtually all of that!

Please reject the proposed final judgement which only serves to benefit Microsoft.

Sincerely,

Kasi M. Greene

00019809—0002

MTC–00019810

From: Wheat, Mitch
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:52pm
Subject: Microsoft Settlement

Talk about bowing to Microsoft.

So what exactly was the point of the court case in the first place? And exactly how does this weak, Pro-Microsoft settlement reduce their predatory monopolistic practices ???

This settlement gives the green light to Microsoft to go ahead and carry on intimating anyone who attempts to compete with them. The American people should be ashamed.

Mitch Wheat.

MTC–00019811

From: RedM
To: Microsoft ATR
Date: 1/23/02 10:51pm
Subject: Microsoft Settlement

Hi,

While I cannot claim to be a legal expert I do claim to be an expert consumer (proof sent upon request). As an expert consumer I know that a) more choice is preferred over less choice. I also know that b) competition improves the breed. Given these facts let's apply them to the current state of the desktop operating system marketplace.

1) A walk through any retail store which even pretends to offer anything remotely related to a home computer reveals that whatever it is they're selling is only offered for Windows. This stands in direct opposition to fact a) above.

2) A current look at any of the security notices (www.cert.org, for example) shows a disproportionately large number of security alerts for Windows relative to other systems. This is brought about (I contend) by b) above. There is absolutely NO incentive for Microsoft to improve their product. What is their risk? The DoJ will provide job security for their legal staff? Solution: crank out some more junk code and sell it to their monopoly as an upgrade.

Therefore, my recommendation is that the Antitrust Division of the Department of Justice simply do what is right...deliver justice by punishing a convicted monopolist in such a way as to improve a) and b) above.

Thank you,
Keith T. Allshouse
44 Mansfield Street
Everett, MA 02149–3636

MTC–00019812

From: Timothy N Tuck
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: MicrosoftSettlement-dont sell out

I dont run window, yet every laptop i have ever bought required me to pay the microsoft tax. No refund available nor do we have a choice in the matter, absolutely criminal behavior they embrace a standard, extend it, and destroy it. If microsoft had been around when darpa was funding the building of the internet, nothing would work because of what they do to standards. this alone is almost criminal behavior. If you bought a new stereo for your car and sold the car the new owner would have full rights to do whatever he wanted with it. with microsoft many people are forced by buy a duplicate license. cant do office upgrades without having the disks at hand, cant update the OS unless your using Internet Exploder, once its damaged you cant update your system any longer. They care more about profits than quality, they sell software that out of the box requires almost 50 meg of updates. again, criminal behavior, intentionally selling known defective goods. bust them up or open up the source code to the OS, its the only way to to level the playing field. they SHOULD definetly be required to build/ license/ or port Office to other OS's suchs as Linux and Solaris. Dont you dare sell out the public and settle by letting Microsoft ''give away their crappy software'' to poor schools. require them to provide the funds for the schools to chose how they spend the money/ Schools and students shouldnt have to pay for software at all, it should be completely free to every school if they should want to run it. they sell windows 2000 professional for $300, yet it costs them mere dollars to pacakge, probably less than 10 bucks.

Dont sell us out!!!!
Tnt

MTC–00019813

From: Jim
To: Microsoft ATR
Date: 1/23/02 10:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00019814

From: dvongsmith
To: Microsoft ATR
Date: 1/23/02 10:51pm
Subject: Comments on proposed settlement
Hello Justice Department,

I strongly oppose your proposed anti-trust settlement with Microsoft.

First: On the face of it, it would further extend their monopoly into a tiny niche of the market where Microsoft has traditionally been outsold (by Apple Computer): the nation's public school system. This prospect alone must bring cheer to Microsoft.

Second: It does nothing to compensate consumers who have been harmed over the years by Microsoft's unlawful maintenance of their monopoly through the supression of competition. The monetary amount of the proposed settlement is a pittance compared to the disproportionately high prices consumers have had to pay for operating system software.

Third: It fails to foster competition by allowing Microsoft to continue the practice of bundling applications to the exclusion of alternative consumer choices.

Fourth and final: It fails to prevent Microsoft from subverting both competing software applications and industry-standard protocols through proprietary ''extensions'', for example the Java programming language, the XML Internet language, and through Microsoft's .Net and Passport initiatives.

In conclusion, I hope the proposed settlement is discarded, and is instead replaced by a settlement that:

1) significantly and materially recompenses past consumers, as through a free upgrade to an improved (stable, secure) operating system version,

2) places strict and enforceable controls on Microsoft's monopoly power, as if it were an ''essential utility''; for example by making Microsoft's Application Program Interface (API) source code public, and

3) separates Microsoft into a competitive ''Operating System'' business, and an ''Applications Program'' business.

Your office is supposed to work for the public good! Don't do what would prompt the monopolists to raise champagne glasses in a toast to their good fortune. —

Very truly yours,
David V. Smith
mailto:dvongsmith@idcomm.com

MTC–00019815

From: G F
To: Microsoft ATR
Date: 1/23/02 10:53pm
Subject: Microsoft Settlement
Good Evening,

I have always supported the US DOJ case against Microsoft Corporation.

I've been a user of computers since 1984, and it is my belief that Microsoft has done more to stall progress that to help it. Please modify the settlement, it is too lax on Microsoft. Make Microsoft document their APIs to EVERY interested developer, and to document their proprietary file formats in Excel and the rest of Microsoft Office.

The US computer industry stands to lose if the settlement stays the way it is.

Thank you,
Gabriel Freund

MTC–00019816

From: salem
To: Microsoft ATR
Date: 1/23/02 10:50pm
Subject: microsoft settlement
76 Old Stage Road Westfield, MA 01085–5172
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am writing this letter to show my support for the settlement that has been reached between Microsoft and the Department of Justice. The antitrust suit was filed three years ago, and it has cost the government and Microsoft millions of dollars. Considering the fact that we are suffering through a recession, the settlement is the best thing that could have happened in the antitrust dispute.

Although the lawsuit is now almost over, Microsoft did not get off easy. This settlement has teeth, and it looks like the biggest benefactor of the agreement will be a Microsoft's competitor. Microsoft has had to agree to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. That move is a first in an antitrust settlement.

I support the settlement since it puts an end to the litigation that has been hampering American innovation for the past three years.

Sincerely,
George Salem

MTC–00019817

From: Ray Aviles
To: Microsoft ATR
Date: 1/23/02 10:52pm
Subject: Microsoft Settlement
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
To whom it may concern,

I am opposed to the tentative settlement of the United States vs. Microsoft antitrust lawsuit. I don't see how Microsoft is being punished for abusing monopoly power. In my view, the company claims to be inovative by adding features to it's operating systems; in reality it is a way to crush the competition (or what little remains of it) into oblivion, since the applications and utilities that Microsoft bundles are typically the first that a user encounters. It doesn't prohibit the user from choosing a competitors software, but if it comes bundled with the operating system, chances are that the user will use it because it is already there. The tenative settlement would give Microsoft more leverage in which to force out the competition. The tentative settlement proposes that Microsoft provide schools with ''low-cost'' software. By providing the schools with the software and an exclusionary licensing agreement, Microsoft further builds it's user base. ''But Microsoft did have one other carrot to dangle: the Enterprise Agreement, which gives discounts on licensing-as much as 50 percent-and automatically enrolls customers in SA (Software Assurance). But joining means CIOs must also sign a contract that bars them from using any competitive products.'' What better way of killing off the competition by preventing the schools from using any competitors software! This is, without a doubt the most devious attempt to undermine competition in this country. I again state my opposition to the tentative settlement of the United States vs. Microsoft antitrust lawsuit. I believe that a better settlement would be as follows (found at http://www.gnu.org/philosophy/microsoft-antitrust.html):

''Require Microsoft to publish complete documentation of all interfaces between

software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics:

secret and incompatible interfaces.

1.. To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered. Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

2.. Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software. We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3.. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.''

Sincerely,
Ramon R. Avilís
1671 Timber Lane Dr.
Montgomery, Illinois 60538

MTC–00019819

From: JNCueto@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: Microsoft Settlement

I am a customer of both Microsoft and America Online, though for as long as I have used products from both, Microsoft's performance has far outweighed that of AOL.

Considering browsers specifically, something that is very important because I deal with computer networking, security, and web design as a hobby I have found Internet Explorer to be a better product in every way. Not only does it support all of the latest features and innovations, but it is more stable and reliable. My pages are always rendered correctly by Internet Explorer, and are rarely tolerable in Navigator even when they strictly follow the latest W3C specifications.

Navigator lacks decent support for style sheets, scripting, dynamic and extensible HTML documents and every web developer I know is beginning to turn away from any Netscape Navigator support at all.

This is not an issue of Microsoft pushing a product simply because it is their own. This is an issue of Microsoft looking out for consumers and providing a service that any web savvy person should appreciate. Anti-Microsoft sentiments are at an all-time high, but we can't let those feelings block common sense or something that is apparent from brief observation.

Thank you for taking the time and allowing me to share my views on this issue.

John N. Cueto

MTC–00019820

From: Jim Barlow
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: microsoft anti trust

MTC–00019820—0001

I just wanted to voice my opinon that microsoft's anti-competitive practices are unethical and deserve punishment.

Their outlook has crippled the software industry, making it difficult for quality products to survive.

thank you,
jim

MTC–00019821

From: John Sager
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: Microsoft settlement
3345 Newton Drive
Pensacola, FL 32503
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It is very irritating that the government has drug out this issue for over three years. The suit was not warranted in the first place; now that a settlement has been reached it is time to put the issue to rest.

Microsoft and the government have reached compromises on all of the major issues involved in this case.

Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. They have also agreed to disclose to their competitors various interfaces that are internal to Window's operating system products, to make it easier for other software developers to make more compatible software. The issues have been settled and it is time for Microsoft, the industry and the government to all move on. The settlement is fair and should be accepted. It is time to end this government over regulation. Please accept the Microsoft antitrust settlement.

Sincerely,
John Sager
cc: Representative Jeff Miller

MTC–00019822

From: Eric Miller
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Eric Miller
1410 Third Ave.
Howell, Michigan 48843

MTC–00019823

From: Thomas Ross
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft judgment is a bad idea. Among the many oversights of the proposed final judgment against Microsoft, I must state that Definition U of the proposed final judgment against Microsoft must be amended to read:

U. ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is

capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. This would close a loop-hole by which Microsoft could merely rename a future product, continuing it current practices (as ruled by the court) of unfair competition.

Microsoft may expend a great deal of time, expense, and effort to the contrary, but justice must prevail.

Sincerely,
Thomas M. Ross
3302 Hunter Ave.
Royal Oak, Michigan, 48073

MTC–00019824

From: Philip W. Faulconer
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: ''Microsoft Settlement''
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Philip W. Faulconer

MTC–00019825

From: Ted Cushman
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: Proposed Settlement of Microsoft Antitrust Case
Attn: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to object to the settlement proposed by the government to settle the Microsoft case. The order does no more than to repeat in specific detail the general prohibitions contained in the laws that Microsoft has already broken. There is no reason to have confidence that Microsoft will comply with this order any more than it has complied in the past with the law that the order merely restates with greater specificity. The listing of certain illegal practices from which the company ''shall'' now refrain is not necessary for the court to put its name to if Microsoft intends to obey the law, and is of no use if Microsoft does not.

Microsoft has repeatedly, publicly, and in the strongest terms defended its past conduct as legal, moral, and even beneficial. It has not been punished in any significant way for previous violations of court orders or of the law. This settlement does not impose any penalty on Microsoft either. So Microsoft has neither an internal motivation to obey the order, nor has it any reason to associate such a violation with significant costs to itself. This order in essence tells Microsoft that it can violate the law with impunity. The settlement is feeble. The mechanism suggested to accomplish (I will not say ''enforce'') the putative aim of the settlement—to wit, a small board of overseers— would be largely if not wholly ineffective. While I do not believe that Microsoft's management team has any great claim to be excellent creators of software, there is little doubt that they are highly capable and effective business managers and strategists. The company will be able to outfox the overseers with ease, if indeed the overseers are not co-opted before the game even begins. It will be like taking candy from a baby. The settlement is unworkable.

I was prompted to contribute this comment when I noticed an appeal posted by a contributor to the Slashdot internet site, a gathering place for the digitally gifted younger set (especially those who have a liking for Linux, a freely distributed alternative operating system). I'm not a Linux fan myself, or even a computer freak; I'm a writer who mostly uses the Mac. However, I spend time occasionally browsing the Slashdot site, if only to keep myself humble by noticing the depth of my own ignorance. It's the same curiosity that leads me to read medical journals and other technical matter. Now, unlike most Americans, or (as Microsoft has been fond of pointing out) most law enforcement personnel and most federal judges, the population that posts to Slashdot is very, very, very computer-savvy. These are people who customize their operating systems, or even create operating systems, and who manage large complex networks of computers. My casual reading of the site indicates to me that the vast majority of that highly technical subculture believes implicitly that Microsoft is a monopoly, that Microsoft abuses its monopoly power, and that the abuse by Microsoft of its monopoly power is damaging to those with less power, a category of victims that includes computer users as well as companies unfortunate enough to be recognized by Microsoft as potential competitors. This population also dismisses as unworthy of consideration the notion that a panel of overseers will be able to significantly alter Microsoft's behavior, and would laugh if it didn't hurt at the notion that Microsoft might moderate its anticompetitive practices of the company's own volition. That group of computer users—that highly knowledgeable community, whose opinions are representative of the many citizens who would benefit directly from a fair chance for the competitors of Microsoft—mostly believes that the government's proposed settlement is a politically motivated sellout. The court may or may not care whether its decision in this case is accepted as fair by the populations of technical computer users most affected by the outcome of the Microsoft case. But many distinguished judges have, I gather, felt that achieving a perception of fairness among the public is an important aspect of the jurist's craft. I urge the court to consider the implications of endorsing a settlement that is perceived on its face by the computer software community as a cave-in by the government and a free walk for the violator. The settlement lacks legitimacy.

I will tell you what I favor. I favor the breaking up of Microsoft. It worked with the oil trusts, with the steel monopolies, with the railroad trusts, and with the telephone monopoly. I am sure that in fact, judges do not understand software. Nor should they have to, nor do I believe that judges are deeply knowledgeable about drilling, refining, and distributing oil, or mining, smelting and fabricating steel, or building and managing a telephone network or a railroad. (Computers, after all, are not the only tough technical terrain on the planet.) But judges have broken up companies in all those industries. Heck, my wife is a doctor; she has spent years and years training for it. But if she's sued for malpractice, the case will be heard by a judge who may have never sprayed Bactine on a blister. And that's okay. Microsoft, for their part, does not understand the law; somebody needs to handle that bit for them.

Look, if I had been married five times, and I had killed the first four wives with an axe, you might not lock me up; you might even leave me living with the fifth wife. But would you let me keep the axe? Microsoft is an unrepentant violator of the law. You can't explain to them nicely what the law means, get them to promise scout's honor, and then drop by twice a week to make sure everything's going fine. They are not going to stop doing what they do until they are unable to do it. And the only way to make that happen is to take away the monopoly power. Then they can do what they love to do—go for the throat—and not have to take any guff about it.

Microsoft likes to talk about how competitive the software market is, what a rough world it is, and how they have to be constantly on their toes. And it's true. But Microsoft has never had one experience the rest of the software world has had. Microsoft has never gotten to compete against Microsoft. The court should give them the chance.

Sincerely,
Theodore T. Cushman

6 Pleasant Court
Great Barrington, MA 01230
ted.cushman@verizon.net
413/644–8928

MTC–00019826

From: Nick K. Aghazarian
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

Please reconsider the acceptance of the proposed judgement. The states'' solution, while not perfect, is much closer to a fair and effective solution. I do not feel that any particular piece of software from Microsoft should be singled out, with the possible exception of the Office file formats. If these formats were made public and made to stay that way, competing products could (and would) emerge, enabling the more widespread use of competing operating systems. Currently, businesses are forced into one of the two monopolies (Operating System or Office Suite) by the other. If you want to correspond with your customers, you must use MS Office to read the documents. In order to run MS Office, you must run MS Windows. This should not be allowed to continue. At the very minimum, the determination of who should and should not be granted access to the Windows APIs must not be left to the owner of those APIs. For the most benefit to the public, those APIs should be made public and alternative implementations encouraged.

Thank you,
Nick K. Aghazarian
Windows Software Engineer
Stockton, CA 95219

MTC—00019827

From: Mike Creighton
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

Sincerely,
Mike Creighton

MTC–00019828

From: Louis Shanks
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

I don't think that anyone should be penalized for wanting to be number one. If that was the case you need to put AOL (America Online) on your chopping block next. AOL is more of a monopoly than Microsoft is. Microsoft has been a good corporate citizen and I think the original penalty is more than enough punishment. In economic times like we are facing would it be wise to try to break an American company to the point they will need to follow the same path as many other American companies and start laying off people, buying fewer and fewer services from smaller companies causing them to go out of business completely? I say stick with the original penalties and lets let everyone get back on track.

Thank You,
Louis
In Texas

MTC–00019829

From: Babylfish@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:59pm
Subject: Microsoft Settlement

I have, just now, personally reviewed the documents related to the settlement available from http://www.usdoj.gov/atr/cases/ms-settle.htm and am sufficiently concerned to comment (it's not clear how I can convey how significant that is).

I deeply concerned about the proposed settlement of the antitrust litigation between the US and Microsoft (Civil Action No. 98–1232). I must rely on the attorneys general to negotiate this in my best interest (as a consumer who's never, in my 10 years as a consumer of computing hardware, had a choice of operating system from a PC vendor) yet I'm convinced the settlement will do very little to improve competition.

In just a few minutes of perusing the proposed settlement I found the following paragraph in section VI Definitions subsection J: ''Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point. ''

Does that mean that IE5.0.0 is different from IE5.0? ''Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product. ''

The way I read that, is that anything not explicitly labeled as a MMP in the settlement is not an MMP unless Microsoft wants it to be. I suspect there are other things that Microsoft doesn't want to be labeled MMPs. Poking around the web, I found what I feel is some very insightful and constructive commentary at http://www.kegel.com/remedy/remedy2.html. It offers suggestions, whereas all I've had time to do is criticize :(Please give my thanks to those who are working the case on behalf of the consumers. I realize there must be enormous pressures.

thank you for your time,
Jeff Warrington

MTC–00019830

From: John Gregg
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
john gregg
St. Paul, MN

MTC–00019831

From: Wynn Winkler
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: MicroSoft Settlement

I am another taxpaying, US Citizen who thinks the proposed Microsoft settlement is a scandal, a deal purchased with campaign contributions, and another demonstration that enough money can make the justice system dance like a puppet. I'm just sending this to be counted—all the arguments have been made in detail by much better analysts than myself and I'm sure you have no difficulty finding them. I'll stop there.

Wynn H. Winkler
3005 Ronna Ave.
Las Cruces, NM 88001 (There that should save the FBI a little time.)

MTC–00019832

From: George Wagner
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

I am appalled that the proposed settlement even exists. It fails to provide any adequate safeguard for consumers and competitors. Microsoft has, as has been shown by their history, ignored any and all rules or regulations that they felt infringed on their strategic plans. The 1985 agreement was ineffective, and something much more stringent and specific is necessary. Along with this, there must be a mechanism to check and enforce it.

Microsoft has put all of its legal, political, and monetary might behind its current efforts to derail any efforts to level the playing field. The number of telephone and email solicitations from Microsoft supported groups has been tremendous, and shows just how much Microsoft is trying to manipulate the system.

Please don't allow Microsoft to corrupt the process. Their practices have been deemed illegal, and it is now time to ensure that those practices stop, and that those who have been harmed are given reparations.

George Wagner
Computers, Support, & Consulting

6015 Glenbeigh Drive
Sylvania, OH 43560
(419) 882–0472

MTC–00019833

From: s.berens
To: Microsoft ATR, dave,Eric Weis,Dolores Von Urff,ge.j...
Date: 1/23/02 11:01 pm
Subject: The Tunney Act. Microsoft Settelment Rejection Notice

Monday, January 28, 2002

This is the deadline for comments on the Microsoft Settelment from the public

Now as some of you know I am not one for ''chain letters'' but this time I can't think of a better way of getting a good volume of mail generated in a short peroid of time.

The Proposed Microsoft settelment is a failure. This is according to nearly all the anaylsis by lawyers, industry advocates, and anyone involved in the case. The DOJ needs to hear from the people in the public comment peroid to let them know that it is not enough, and time is almost out. Let your voice be heard.

Remember it is the number of email the DOJ gets that counts, so lets generate some traffic on their mail servers. Just follow the instructions below.

1) Please forward this to microsoft.atr@usdoj.gov

2) Forward this to everyone you know and get them to do the same.

Thank you for your time

Stephen Berens

Founder of the Western Alliance

Form letter follows

Open Letter DoD Re: Microsft Settlement

If you'd like to co-sign this open letter, please email me at petitionOkegel.com, and please give your city, state, title, and affiliation.

—Dan Kegel

To'' microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

—Microsoft increases the Applications Barrier to Entry. by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

—The PFJ Contains Misleading and Overly Narrow Definitions and Provisions o The PFJ supposedly makes Microsoft publish its secret APIs. but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

—The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft P—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems— who ship competing software.

—The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

—The PFJ as currently written appears to lack an effective enforcement mechanism.

We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

It should not be adopted without substantial revision to address these problems.

Sincerely,

MTC–00019834

From: Gene Bland
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

Gentlemen and Gentlewomen,

Concerning the proposed settlement for Microsoft, I wish to express that the intended remedies seem to only address past and current technologies and do not truly deplete nor deter the monopolistic policies that Microsoft has engaged in over the last several years. The language within the document references specific software titles and technologies, many of which are no longer supported. Terminology (such as ''ActiveX'') is frequently changing and to expressly mention such items seems unduly restrictive for the settlement and easy to avoid by Microsoft.

Also, the remedies for exposing existing and proposed interfaces and APIs is expressed in terms of a delivery mechanism that Microsoft owns (the Microsoft Developers Network). This requires third party developers to set up a relationship (joining the developers network) to be able to access this information in a timely fashion. This requirement seems to create greater dependency upon Microsoft, in fact enhancing their monopoly position, rather than depleting it. This information should be available in a publicly (non-Microsoft controlled or owned) available facility.

Lastly, there is no mention of any form of restitution for the activities that Microsoft has engaged in. Microsoft's activities have destroyed many small companies, and worse, the people's dreams and livelihood who made up those companies. This is, in a true sense, the destruction of what most of us consider to be ''The American Way and Dream'' where we all have the right to compete without fear of the unfair destruction by a monopoly. This activity by Microsoft should be considered an extreme offense and the punishment should be commensurate with that offense. I was actually quite offended by the several references to provisions to protect Microsoft's existing licenses, without any mention of restitution for Microsoft's victims.

Thank you for your attention.

D. Gene Bland, Jr.

Cary, North Carolina

Software Development Consultant for Analyst International

MTC–00019835

From: Emily A. Carl

To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Concern about Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Emily Carl.
CC:emilyac@WANet.net@inetgw

MTC–00019836

From: yeled@vulcanised.
adc.rmit.edu.au@inetgw
To: Microsoft ATR
Date: 1/23/02 11:02pm
Subject: microsoft settlement

I believe that the proposed settlement is unworthy of such a large interest to the people of America, and (including me) the rest of the world, that Microsoft has impacted.—
charlie@rubberduck.com
Melbourne, Australia
http://rubberduck.com/ PGP preferred

MTC–00019837

From: doj@lentner.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea!

MTC–00019838

From: Krishna Sethuraman
To: Microsoft ATR
Date: 1/23/02 11:02pm
Subject: Microsoft Settlement

I am against the proposed settlement. As a computer professional, I find Microsoft's behavior to be anti-competitive in the marketplace, and must be stopped. The proposed settlement does not appear to do this effectively.

Krishna Sethuraman
Sunnyvale, CA

MTC–00019839

From: Daniel Rodney
To: Microsoft ATR
Date: 1/23/02 11:04pm
Subject: Microsoft Settlement

Dear DOJ,

I am a concerned computer user. I teach computer graphics software in fact. I am very familiar with Macs and Windows and want to express my concern about the strength of the decision about Microsoft. I feel that they have severely hurt and continue to hurt the computer industry. I think that their practices continue to hurt users and only are chosen because they can expand MS's monopoly. Take the WindowXP activation system. Users are not helped by this... their computers can be rendered useless if activation can't properly take place. Also, that Windows XP leaves out Java support, unless the user downloads it, is purely a MS tactic to edge out Java because it's not theirs. Sure it doesn't specifically attack it since it's POSSIBLE to use Java, but the problem is that many users don't know they should, or how to, so in the end, the ignorant user is hurt and for what good? So that MS can better push their own solution? The user is hurt because Java is a great platform INDEPENDENT choice. While I don't know that much about the settlement, please understand that it could not be too harsh on MS in my opinion. MS needs to be penalized for their past practices and current. They need to be stopped or I fear for how computers are heading because of their self serving choices.

Ultimately this is a decision that affects everyone's daily life in some way. Computers run our life... and when a moralless self serving computer company that will do ANYTHING is can get away with is running the show... it's a scary thing. Please do the right thing and STOP them once and for all. Prevent them from continuing to do it and make sure they pay for their past bad practices.

Dan

Daniel Rodney—graphic designer, instructor
http://www.danrodney.com
h: 718–956–5755

MTC–00019840

From: Noah L. Waller
To: Microsoft ATR
Date: 1/23/02 11:04pm
Subject: The Microsoft Settlement

In my reading of the information available on this case, I believe it would be a terrible injustice to our justice system and the ethics of our country if the Microsoft vs. DOJ case was settled in this currently proposed way. My reasons are simple:

1. For a company to be found as guilty as Microsoft has been found, based on the initial proposed sentence, and whose actions since have been nothing short of arrogant, it would make a mockery of DOJ to accept such a pathetically weak settlement.

2. More important, past history has shown this company will push the envelope of any reached settlement, it's expected it would continue to do so. The large number of anti-trust cases brought against this company cost tax dollars, not finding an ultimate solution is a bad investment, and it would not be long until we could find ourselves, as consumers and tax payers, footing the bill for a job left unfinished. More information can be found here: http://www.kegel.com/remedy/

I am not in the legal field, I'm in health care. I do not have a solution to offer other than saying the one we have now is not enough, not by far.

Thank you for your time. —
Noah L. Waller
http://home.sprintmail.com/noahw/

MTC–00019841

From: David
To: Microsoft ATR
Date: 1/23/02 11:06pm
Subject: MicroSoft Settlement

Dear Sir or Madam:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully make reparations for the actions committed by Microsoft in the past, nor make it difficult for them to commit similar actions in the future.

None of the settlement provisions will keep Microsoft from abusing its current monopoly position in the operating system market. This is important in view of the seriousness of Microsoft's track record.

Most importantly, the proposed settlement doesn't correct Microsoft's previous actions. There are no provisions that redress their previous monopolistic abuses. Why is this? They only (attempt to) prohibit the future repetition of those abuses, which is puzzling in itself.

The MicroSoft antitrust settlement goes against everything the law stands for. If a person or organization is able to commit crimes, benefit from those crimes, and then receive, as a ''punishment'', merely instructions that they cannot commit those crimes again, they have still benefited from them. That is not justice, not for the victims of their abuses nor for Americans in general, and I find it personally appalling that no substantial monetary penalty has been considered.

While the Court's desire that a settlement be reached is honorable, it is wrong to reach a settlement, just for settlement's sake, especially with a company that still refuses to admit wrongdoing.

Thank you for considering my opinion.
Sincerely,
David Barbara Jr.
Chico, California

MTC–00019842

From: Michael Roberts
To: Microsoft ATR
Date: 1/23/02 11:08pm
Subject: Microsoft Settlement

I've just recently taken the time to research the proposed settlement with Microsoft, after hearing a great deal of negative comment, and I am quite sorry to say that the settlement is even more flawed than I had imagined possible. I realize that Mr. Ashcroft may even *believe* his statement that this settlement is not a sell-out, but to give him the benefit of that doubt, I am forced to assume that Mr. Ashcroft has no conception whatsoever of the actual problems involved in this case. Last time the DoJ tangled with Microsoft, you

brought out a settlement which was far too restricted, in the sense that it enumerated specific activities from which Microsoft was prohibited, and allowed Microsoft to pursue any number of closely related but legally separate anti-competitive behaviors—which, of course, they did. It was my hope that you had learned from that mistake, and yet I see that you have not.

Let's take a quick example: you define Microsoft's duties to publish APIs in such a way that they do not exclude competitive activity, which sounds great—yet you define APIs in such a restrictive way that it is frankly incredible from a technical standpoint. You limit the term ''API'' to mean interaction between *specific* operating systems (the list of which already excludes two of Microsoft's newly planned products) with *specific* middleware products—the list of which excludes Microsoft's most significant middleware: SQL Server and Outlook are not in the list. Windows *Media* Player is in the list, but Office products are not. Forgive my bluntness, but I simply cannot believe that this is an oversight. No-one could possibly be this stupid. As the settlement is written, this clause will hinder Microsoft's anti-competitive behavior for about six months; by the end of 2002 they will be as free to quash all competition as they have been since riding roughshod over the 1994 consent decree.

I'm sorry, I'm trying to be polite here, but this proposed settlement is so hopelessly flawed that it should by all rights be a public laughingstock. Unfortunately the public doesn't seem to have the technical knowledge required to understand the flaws—but I do. And this settlement, if accepted as it stands, will constitute a direct threat to my business.

Michael Roberts

Owner, Vivtek (a small software company specializing in Open Source software)

Bloomington, Indiana

MTC–00019843

From: Jerry Lapham
To: Microsoft ATR
Date: 1/23/02 11:03pm
Subject: Microsoft Settlement

I do not agree with the settlement. It is *less* than a slap on the wrist.

—Jerry —

MTC–00019844

From: Dana M . Diederich
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

I am strongly opposed to the currently proposed Microsoft Settlement. Even under legal threat from many fronts, including being found guilty of becoming an illegal monopoly, Microsoft has not yet reformed their behavior. I see no reason to believe that they will ever reform their behavior until either they are forced to by the Government or their fall massively damages many aspects of the IT and home infrastructure of the United States.

Please find a way to make this company stop and pay attention. Rising prices, falling quality, failing security and predatory practices must not be allowed to endanger the progress of technology. The rest of the world is slowly moving away from Microsoft. Will the United States be left behind and wounded? I sincerely hope not.

I, Dana M. Diederich, certify that I am a natural born citizen of the United States.

Sincerely,
Dana M. Diederich
19 Leicester Drive
Bella Vista, AR 72714
(501)855–7175

MTC–00019845

From: David Krumwiede
To: Microsoft ATR
Date: 1/23/02 11:32pm
Subject: Microsoft Settlement

The proposed settlement does not go far enough to discourage the monopolistic practices of Microsoft and the bully tactics it uses to crush the competition.

This proposal only assures that no punitive action will be taken by Microsoft against computer manufactures and sellers. It does not prohibit destructive practices against software competitors; encouraging the monopoly.

David Krumwiede

MTC–00019846

From: Charles Coon
To: Microsoft ATR
Date: 1/23/02 11:11pm
Subject: Microsoft Settlement

In the world technology sphere there is no more important need than to complete the settlement and put the difficult Microsoft litigation issue behind. Microsoft, more than any technology company, was behind the economic growth of the 1990's. When Microsoft was threatened by the DOJ, in partnership with its competitors, the economy moved toward the current recession. Microsoft will be in the forefront in leading us out of the recession. We need a timely end to the litigation, and a commitment by Microsoft's competitors to focus on competition, rather than more mutually destructive court action.

Thank you,
Charles R. Coon,
2416 Marlborough Place,
Colorado Springs, Colorado,

MTC–00019847

From: Mark W. Alexander
To: Microsoft ATR
Date: 1/23/02 11:06pm
Subject: Microsoft Settlement
Renata B. Hesse
AntiTtrust Division
U.S. Department of Justice

Reviewing the proposed final judgment against Microsoft I find a glaring problem regarding the current state of the software industry. There are a variety of proscribed actions against OEM's, ISV's, and IHV's, yet what exactly constitutes a member of any of those groups, and what information they may have access to, is apparently left to Microsoft's discretion.

Due to Microsoft's prolonged maintenance of their monopoly power, most corporations that would reasonably be classified in those groups have been severely weakened. The strongest realistic competitor to Microsoft's products today come from the world of ''open source'' software.

The open source software community functions on a completely different economic model than Microsoft's traditional competitors. They develop and distribute software at no cost, operating instead on a model of service and support. Absolutely key to this model is inter-operability with Microsoft's line of operating systems. While open source based software organizations have produced products with strong feature sets and security, due to the open nature of their product they simply cannot benefit from any judgment that allows Microsoft to not disclose inter-operability information for any reason.

In particular, Section III, paragraph J. item 1, allows Microsoft to restrict access to compatibility information that ''would compromise the security'' of certain information. Microsoft would have the public believe that security information must be secret in order to be secure. This is patently false and has been proven in the security community. As an example, Microsoft's IIS web server software has had a long history of regular security breaches, despite the complete unavailability of it's security information outside of Microsoft. In contrast, the Apache web server, the full source code of which is publicly available, has not had a major security breach in 4 years. Open inspection of Microsoft's security information is key not only for inter-operability, but for consumer protection as well. Of greater concern is section 2(c) in the following section, precluding those who do not ''meet(s) reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Microsoft has stated clearly that it does not believe open source software development has a role in the software industry. On the contrary, several companies have been established on open source software. Further, said software was in development several years before these companies even attempted to become ''viable'' businesses. Microsoft would not have acknowledged software such as sendmail, apache, or Linux as authentic and viable business at the time of their development. Today, Sendmail, Inc., The Apache Group, and Linux companies such as Red Hat, Caldera, Suse, and Mandrake are in business based on that software. Apple Computer and Hewlett-Packard are testaments to the fact that two people in a garage is a ''viable business'' in this industry. I doubt if Microsoft would certify the authenticity and viability of today's origins of tomorrow's corporations.

I have more concerns about the other specifics of this judgment, but the final summary is this: It provides for too much control over the interpretation and application of the judgment to the convicted perpetrator itself, Microsoft. This judgment provides little realistic relief for traditional competitors, no relief for open source competitors, and no hope for either home or corporate consumers wishing to extricate themselves from Microsoft's history of oppression.

The entire software industry is poised for a drastic change in market economics. Open

source software is proving to be a disruptive technology that offers an enormous opportunity for independent software developers to thrive if, and only if, Microsoft is not allowed to hold them at bay with continued anti-competitive practices.—

Mark W. Alexander

Senior Data Communications Specialist and

Open source software user and contributor

slash@dotnetslash.net

MTC–00019848

From: Mark
To: Microsoft ATR
Date: 1/23/02 11:09pm
Subject: Microsoft Settlement

I honestly don't think MS is trying to ''hurt'' anyone.....they are making their O/S simpler and easier to use for everyone.....isn't that what the people are asking for????? There is no competition for them directly because everything they have is just that much better! Now AOL/Netscape want to sue them.....why????? Because of the Netscape browser which just couldn/can't compete?????

Then there's Linux.....well, let me tell you a fact.....Linux never was, and never will be competition to Windows.....it's a ''Geek'' O/S and that's all it ever will be!

Don't punish MS because they are successfull.....isn't that the whole point of living in America?????????

Thanx;

Mark Bickmeyer

MTC–00019849

From: Brian Hochhalter
To: Microsoft ATR
Date: 1/23/02 11:10pm
Subject: Microsoft Settlement

To whom it may concern:

After reviewing the proposed final judgment, I find I do not agree with its provisions to control Microsoft's well documented anticompetitive practices. The PFJ as it now stands does not provide adequate definitions of many terms such as ''Microsoft middleware'' and ''Windows''. It also fails to require Microsoft to disclose which of its software patents cover which APIs. In this condition those attempting to create Microsoft-compatible products must work in ignorance as to whether they are infringing upon patents held by Microsoft. It does not address anticompetitive license terms to which users of Microsoft products must subject themselves in order to use Microsoft products. Additionally, while seeking to protect commercial competitors to Microsoft, it provides no provisions for those that create products which are available free of charge (such as Linux and various other open source operating systems and application programs) which compete with Microsoft products.

Many people in the tech industry have examined the current PFJ and find it lacking. A number of them have developed alternatives that deserve consideration. That being the case, I request that the Department of Justice withdraw its consent from the current proposed final judgment before it is accepted by the court. Additionally I request that the Department of Justice and applicable agencies examine the recommendations of computer professionals who have sent comments on the PFJ and build upon those suggestions to develop a judgment that will better protect Microsoft's competitors and the American public from the results of Microsoft's anticompetitive practices.

Thank you for your time

Brian Hochhalter

2655 Marl Oak Dr.

Highland Park, IL 60035

MTC–00019850

From: David Alderman (Earthlink)
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

Thank you for hearing me.

Microsoft has engaged in anticompetitive practices that have harmed the public. Their proprietary document formats preclude any real competition since competitors products can't be fully compatible. They have consistently signed exclusive agreements with OEM's to prevent consumer's from having a choice. This practice goes all the way back to DOS. They have deliberately inserted code in their products to prevent competitors from working. Andrew Shulmann's ''Undocumented Windows'' covers much of this. In the Windows 3.1 era, Microsoft distributed a faulty DLL to their competitors that prevented their products from sharing files in a networked environment. Microsoft Word had the working version of the DLL.

I am not familiar with law, but I believe Microsoft is guilty of abusing its monopoly position, and they will continue to do so unless someone actually punishes them in a punitive manner.

As a final note, I would like to ask the question, ''who owns your data?'' If you do not have Microsoft Word, Microsoft Excel, and Micrsoft Powerpoint, can you read your documents, spreadsheets, and presentations? If Microsoft asked you to return their software, even for a full refund, how would you gain access to your documents?

MTC–00019851

From: Michael Portuesi
To: Microsoft ATR
Date: 1/23/02 11:10pm
Subject: Microsoft Settlement

I am writing concerning the proposed settlement between the Department of Justice and Microsoft corporation.

I believe the settlement to be very inadequte. It contains many loopholes that would enable Microsoft to continue their current predatory business practices, and to extend their monopoly to new markets.

To me, the most troubling aspect of the settlement concerns the rules for Microsoft's disclosure of specifications of its API's, middleware, file formats and protocols to third parties for interoperability. The provisions apply only to other commercial entities; nowhere does it require Microsoft to make these specifications public for access and use by individuals and non-profit developers. Unless we have true open access to the Microsoft specifications, interoperability with their products will never be achieved.

This settlement goes against the spirit of the trial before it, and in many ways devalues the effort that went into the unanimous monopoly ruling.

I urge you to reject this proposed settlement, and to urge a settlement that truly addresses the very important issues at the heart of this case.

As a computing professional, I have a vested interest in seeing a healthy computing industry. We will never have that with one company driving all the standards, and hence all the progress in the field. Consumers are the ones who lose the most in the end, through lack of choice and stifling of innovation. — MIchael Portuesi 400 Mississippi Street San Francisco, CA 94107–2928 mailto:portuesi@jotabout.com

MTC–00019852

From: Vijay Ramasubramanian
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Settlement

As a United States Citizen and Taxpayer, I would like to make it clear that I am vehemently opposed to the current Proposed Settlement against Microsoft.

The proposed remedies are weak at best and ineffectual at worst. Since large amounts of taxpayer money have been expended by the Department of Justice in pursuing the case, it does not make sense to impose such flawed remedies on Microsoft, thereby undermining the best interests of the taxpayers. The scope and severity of any Department of Justice settlement with Microsoft should be commensurate with the crimes of which Microsoft was found guilty by the Court of Appeals. The current proposed settlement does not meet this criterion.

Many scholarly documents have been written which address the legitimate shortfalls and ample inadequacies of the Proposed Settlement. Among these, I am in agreement with the views and evidence expressed by the Computer & Communications Industry Association in: http://www.ccianet.org/papers/ms/sellout.php3

Thank you for this opportunity to present my comments.

I Vijay N. Ramasubramanian

mailto:ramasubr@ews.uiuc.edu

http://www.ews.uiuc.edu/ramasubr/

MTC–00019853

From: Matt Conners
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Trial

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today as a member of the technology industry to encourage the Department of Justice to accept the Microsoft antitrust settlement. The settlement is fair and should be accepted by the government.

Microsoft has agreed to many tough terms. Many of the terms extend to products and procedures that were not even mentioned in the original suit. Microsoft has agreed to give

computer makers the flexibility to install and promote any software that it sees fit. Microsoft has also agreed not to enter into any agreement that would obligate computer makers to promote Microsoft software.

The terms of the settlement are fair and the government should accept the settlement. The technology industry needs to move forward, the only way to move forward is to put the issue in the past. Please accept the settlement.

Sincerely,
Matthew Conners

MTC–00019854

From: Kevin McKenzie
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

I am writing to oppose the settlement the US Attorney General seeks to make with Microsoft. It does not define many terms; it does not protect all manufacturers, only the twenty largest; and it does not force Microsoft to make it's file formats available. In addition, the API documentation it would be forced to disclosed is incomplete, and Microsoft is given no requirements as to how soon before the release of new software the APIs must be disclosed.

Kevin McKenziekdm2@po.cwru.edu

If believers in astrology became as well organized as the creationists, it is hard to see how their demands could be withstood. —G. Hardin, ''Marketing Deception as Truth''

MTC–00019855

From: Fischer, William
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:16pm
Subject: microsoft settlement

as a US citizen i feel that the proposed microsoft settlement poses a grave danger to the future of not only the software and computing industry in this country but also to the wellbeing of the consumer public which are, and will continue to be victimized by the monopolistic hold this company currently has over the general market. I have seen the boom of the internet from an eccentric cluster of interconnected ''geek'' experiments to the current global interface of billions upon billions of individual webpages. throughout this period i have also witnessed the breadth, influence, and power of the microsoft corporation expand to engulf virtually every facet of our lives, extending amoral market practices into niches opening far more avenues of venue than our current legal system was, or is currently capable of keeping pace with. the current proposal for settlement of this issue does little to hinder microsoft's ruthless ingenuity in circumventing imposed limitations to its illegitimate market ethics. i am not an expert in the field, nor am i a legal analyst, but rather a concerned denizen, and consumer. i see the future of the computing industry one of almost hopeless promise as empowerment has continually been taken away from the consumer over products (both hardware and software) he/she has purchased, yet has a right to utilize via the fair use doctrine. as a proof of microsoft's continual discrimitory practices, as well as corporate mindset i will quote a section of the EULA for ''The Microsoft Windows Media Encoder 7.1 SDK:'' ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... as i stated before i am not an expert in the field, and as such this e mail should not be weighed by my evidence, but rather by the concern of an ''average citizen'' that feels the proposed settlement will do little to change microsoft's influence on my life.

that is all.

-william fischer

MTC–00019856

From: CHip FInch
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

end the microsoft monopoly!!!!!

Give Apple computer all the government computers.

chip

MTC–00019857

From: Joe DeLassus
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

The proposed settlement with MIcrosoft corporation is a bad idea. Simply put the operating system for the closest thing that exists for a universal personal computing device should be in the public domain so that true innovation can move forward.

MTC–00019858

From: David Walser
To: Microsoft ATR
Date: 1/23/02 11:16pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft antitrust settlement does little to advance the cause of justice. My primary concern is that the remedy of requiring Microsoft to donate computers and software to schools will damage the competitiveness of one of the few markets Microsoft does not currently dominate. From which company will these schools purchase software once the donated software becomes obsolete (next year)? Microsoft.

David K. Walser
2136 N. Ashbrook
Mesa, AZ 85213
480/615–9252

MTC–00019859

From: William Lamb
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Settlement

Dear DOJ:

It is my belief that the current proposed settlement is completely inadequate. It poses nothing more than a set of inconveniences which Microsoft can easily navigate their way around while continuing their anti-competitive practices. Nothing less than a full break up will end Microsoft's illegal business practices.

Sincerely,
William Lamb
Aurora, IL

MTC–00019860

From: Sandor Kunyik
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

To whom it may concern,

As long as it is not signed into law that I will HAVE to pay Microsoft for buying computer hardware or for signing onto a public network I will find work-arounds, I will abuse rules and break every marketing scheme to be able to use Linux and Mozzilla for my needs, and I will regret this outrageous settlement that was brough upon the U.S. people.

I will not purchase or use Microsoft products unless someone sticks a shotgun into my ribs—which will certainly happen more sooner than later. At the same token, I will never again buy a GM, or buy pizza from the guy on the corner—unless I'll have no other choice.

Taking my business elsewhere used to be my greates privilige as a consumer in a free marketplace—until Microsoft came along and ensured that I CAN NOT take my business anywhere else!

This settlemen will prove it once again that ruthless, unlawful business pays huge, and that the punishment in this country will never match the crime.

One last thing: Microsoft is not an Innovator... *WE ARE* innovators, those who learned and worked to be able to do WITHOUT Microsoft in all these years, and we will keep doing so!

With no particular regards (due to the lousy job you did)

Sandor Kunyik
Web Developer
Wheeling, IL

software is like the mind it works the best when it's open

MTC–00019861

From: ac
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

Although I am a Canadian citizen, it is with great concern that I have watched this trial, the findings, and now the resolution.

It is a difficult problem, but it is clear that Microsoft will continue to exercise what it believes are its rights by violating the rights of other companies to compete in markets that Microsoft chooses to dominate.

The existing settlement is unacceptable, it does not serve the communities or the markets that Microsoft has impacted by their actions. There are several possibilities, but any solution should benefit education, reinvigorate the technology markets to

compete, and punish Microsoft by forcing a change in their business practices. $1 billion dollars is a paltry sum to Microsoft. At 5% interest they can earn that back in a year on the $35 billion they would have left. I would propose a $10 billion fine. $5 billion set up as an education fund to be administered by a neutral 3rd party, and $5 billion to set up a fund to reinvigorate the technology market and give new companies the opportunity to compete in the market place.

I also believe that Microsoft should open source their browser, and if they bundle middleware (IE, Windows Media Player, MSN) competitors should have the same access to customers and rights to bundle as well. The difficulty is in trying to ensure that companies can compete on the OS platform in areas where Microsoft wants dominance. The only way to determine if any remedy is successful is to see if business can compete effectively and reach consumers fairly to compete for their business. Consumers have been summarily brainwashed to a large degree due to Microsoft's actions, they need to know that it doesn't have to be Microsoft if they don't want it.

Microsoft Office's file formats should be opened as well. Although they were not part of the case, this could be a key part of opening competition in markets where Microsoft has a stronghold. Office is a ubiquitous standard. There are no serious competitors because no other company is able to ensure compatibility with the Microsoft Office file format. This market has stagnated as well. There aren't many choices for consumers or businesses due to the file format issue. Opening the format up would create an even playing field. Companies could release their software and compete based on features and price.

Currently Apple is the only other choice that consumers have. Microsoft's practices on Apple's platform are much different than their practises on their own platform. Its the control of the OS, control of the middleware, and control of standard file formats that are suffocating the industry. If Microsoft claims they want freedom to innovate, then level the playing field and let the consumers decide.

Thank you.

MTC–00019862

From: GERALD THOMPSON
To: Microsoft ATR
Date: 1/23/02 11:22pm
Subject: microsoft settlement

please settle the case . i don't use microbrowser [msn] i use one that started in my town. i don't under stand all this. i didn't like aol or netscape. windows is the best thing that ever happened to computors.

MTC–00019863

From: Don Erickson
To: Microsoft ATR
Date: 1/23/02 11:22pm
Subject: Microsoft Settlement

Sirs:

Microsoft has amassed the single largest corporate fortune in history, not by being the best but be being the most ruthless. I would like to register disapproval of the proposed settlement.

Don Erickson
Kansas City

MTC–00019864

From: Jesse Becker
To: Microsoft ATR
Date: 1/23/02 11:18pm
Subject: Microsoft Settlement

I have a number of concerns about the proposed settlement between the US Department of Justice, and the Microsoft Corporation.

(1) The (proposed) settlement is not sufficiently strong to prevent Microsoft from pursuing similar activities in the future. The proposed restrictions apply to narrow ranges of activity, most of which can be circumvented easily by changing product names (as the settlement specifies product names instead of classes of products), or developing new products that perform similar purposes.

(2) There is no clear enforcement mechanism for this settlement. While there is the creation of an oversight committee, it has no obvious powers to give punishment for any breaches of the terms of the settlement.

(3) The group responsible for implementing many of the points listed in the settlement, namely OEMs, are tied directly to Microsoft for their revenue by selling Microsoft Products. This, I believe, does not constitute an unbiased group for carrying out the points of the settlement.

(4) Finally, Microsoft has used its monopoly standing to directly hurt some consumers, myself included, by forcing them to purchase their products from OEM companies. In my case specifically, I have purchased two systems from Dell Computers, and have had to pay approximately $100 in each case (a total of about $200) for a copy of Windows 98 and Windows Millenium that I did not wish to buy.

Thank you,

MTC–00019865

From: John
To: Microsoft ATR
Date: 1/23/02 11:17pm
Subject: Microsoft Settlement

My personal opinion is that the DoJ just gave Microsoft a very gentle slap on the wrist and is missing the whole point of the lawsuit.

If you look at Microsoft's .Net program, we will all be renting software from Microsoft forever and this will guarantee Microsoft's monopoly position in the operating system market instead of allowing true competition, which would make all computer software better instead of putting out truely defective software as is now the case. This just touches the surface of my position and arguement against the current settlement.

Thank you,
John Russell

MTC–00019866

From: Stephen Kaufer
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Settlement in Microsoft Case

I have studied much of the proposed microsoft settlement, and as CEO of an independant software/internet company, I find the settlement severly lacking. Frankly, I do not believe it will do any good. I fully expect that Microsoft will simply ''redefine the problem'', leaving the justice department to enforce a remedy that is no longer relevant or helpful to those harmed by Microsoft's illegal actions.

The fact that it is agreed upon by everyone (except MS) that they vigorously broke the law, yet have managed to escape serious penalty, denies any meaning to judge Jackson's verdict. The current settlement will also deny justice to those hurt and ruined by Microsoft's practices.

Sincerely,
Stephen Kaufer
CEO
TripAdvisor, Inc.
kaufer@tripadvisor.com

MTC–00019867

From: Paul Murray
To: Microsoft ATR
Date: 1/23/02 11:19pm
Subject: Microsoft settlement

I would like to comment on the proposed antitrust settlement with Microsoft. In two words, it stinks.

From what I have read, it is riddled with loopholes for Microsoft to exploit—and their past behavior has demonstrated that if there is a loophole, they will use it.

An example of this is that I have read the settlement applies only to personal computers, which are defined as having keyboards. No keyboard, the settlement doesn't apply. So MS can do whatever they want with their X-box game player, and a tablet PC that reads the user's handwriting. When voice recognition systems are perfected, they can do whatever they want with that, as well.

Here's an article from a respected industry news organization that discusses some of the potential loopholes:

http://news.com.com/2100–1001–275375.html?legacy=cnet

The ''concessions'' that MS has made are meaningless, and they are paying no penalty for their *crimes*, as noted by respected columnist Dan Gillmor: http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/i ndex.htm

Columnist Bob Lewis of InfoWorld wonders why MS gets to negotiate as an equal party when they have been convicted of criminal behavior:

http://www.infoworld.com/articles/op/xml/02/01/07/020107opsurvival.xml

I also think it is shameful that the Bush Administration is proposing such a weak settlement to a case that required several years and many millions of dollars to win.

I believe that the settlement proposed by the nine holdout states is a more appropriate resolution.

Sincerely,
Paul Murray
9961 Pierson
Detroit, MI 48228
Paul Murray
http://www.paulmurray.net

MTC–00019868

From: Michael Rothwell
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

Hello. I am writing to voice my opposition to the anemic settlement currently under

consideration between Microsoft and the DOJ. Microsoft ignored the consent decree and its behavioral remedies last time. It will ignore them again. The culture at Microsoft will not change because of this settlement.

The economy, the I.T. industry, and computer science need a durable remedy for Microsoft. One that it cannot work around. I had high hopes for the break-up. I still have some hope.

Please do not allow the settlement in its current form to go forward.

Michael Rothwell
513 Baygall Road
Holly Springs, NC 27540
rothwell@holly-springs.nc.us
919–557–5466

MTC–00019869

From: Jenny Ellsworth
To: Microsoft ATR
Date: 1/23/02 11:21pm
Subject: Microsoft Comments

As a remedy for Microsoft's abuse of monopolistic power, it would be better to forbid them to give their products to schools than to require it. I am an IT professional for the City of Newport Beach, and an important part of my job is computer training. I know, from observing users in our Microsoft-dominated environment, that exposure and training are the determining factors for a user's choice of software. Allowing Microsoft to monopolize the schoolchildren and future computer professionals of this country will only serve to ensure that they continue to monopolize the software industry in years to come.

In addition to serving Microsoft's business needs of the future, such so-called ''charity'' would cost them pennies to provide software to schools, and offer Microsoft both tax benefits and good public relations. Microsoft has in the past regarded the DOJ as giving them a mandate to monopolize the software industry, and this would be no different. Were they to provide cash, rather than software, to be used as the schools need to use it, that would be a great aid.

Allowing PC makers to install non-Microsoft software is not sufficient to enable competition. Microsoft must be made to separate the operating system from their other applications. Many users I know are at least somewhat confused about the difference between Windows, Office, and the Internet. This is the result of Microsoft's deliberately ambiguous naming conventions and the interaction between Microsoft products that cannot be matched by any other software manufacturer. I realize that dissociating their OS and other software is a tall order, but without such a move, competitors will not succeed.

Microsoft clearly believes that the DOJ and the State Attorneys General will not act against them. This has made them arrogant. They feel safe to act in a non-competitive manner, bullying companies and extorting money from them. When Newport Beach's IT department invited their reprentative to help us be in complience with their license agreements, the person from Microsoft spent most of his time threatening to audit us, telling us why piracy was bad, and often insulting us. To quote their representative when we produced our evidence of legitimate purchases, ''That and a dollar will buy you a cup of coffee,'' and ,''You know, we audit cities like you, and we win. Ask your city attorney; he will tell you it isn't worth it to fight us.''

Remember, we invited them to visit us. We asked for their help. They acted like bullies. Coercion through legal action is distasteful in a major corporation, but is illegal in a clear monopoly.

Microsoft must be made to clarify their licensing. Although we had paid for every single copy of Microsoft software, we, as intelligent computer professionals, couldn't understand the requirements well enough to comply with them. The licensing requirements are deliberately confusing and hard to comply with, and Microsoft knows that most companies will simply pay for more licenses, rather than try to fight them on an audit.

Please, do not allow Microsoft to infiltrate schools to increase their monopolistic power. Please, demand that Microsoft separate their OS from their other software. Please, require that Microsoft establish clear licensing that doesn't lead to entrapping customers.

These opinions represent my observations as an IT professional in an organization of over 400 people. The views do not necessarily represent those of the City of Newport Beach.

Jenny Ellsworth
MIS Technical Services Specialist
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

MTC–00019870

From: Michael Skora
To: Microsoft ATR
Date: 1/23/02 11:23pm
Subject: Microsoft Settlement

Hello,

I would like to say that the proposed settlement seems to be lacking in many areas. See Dan Kegel's analysis of said (http://www.kegel.com/remedy/letter.html). Additionally and possibly more unsettling are the ramifications that Cringely brings up in his December 6th column (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), specifically it is not guaranteed that free software organizations will have access to the necessary APIs for interoperability. Others have suggested that Microsoft may resort to bundling third party software or placing patents at key points to restrict access to important APIs.

Basically, I trust Microsoft less than I trust a floppy disk to keep my data safe, which is to say not at all. Throughout the proceedings and settlement they have exhibited not only a willingness to lie and cheat, but an arrogance and nastiness flaunted in the face of the laws and system. Microsoft needs to be taught a lesson they will not soon forget (certainly not as quickly as they forgot the last ''lesson''). It should be example to the companies that seek to follow in their footsteps, an example that our monopoly laws are here for the public good and we will not allow the public good to be harmed for any amount of lobbying and campaign contributions.

Sincerely,
Michael Skora
913 Gott St.
Ann Arbor, MI 48103–3151
Manager of Web Services, UofM Plant Operations
http://www.plantops.umich.edu/
Office: (734) 615–3394
Office: 326 E. Hoover, Physical Properties Building
Cellular: (734) 260–9981
Fax: (734) 615–1729
Pager: parsec.pager@umich.edu
PDA: parsec.pda@umich.edu
http://www-personal.umich.edu/parsec

:''Those who desire to give up Freedom in order to gain Security, will not have, nor do they deserve, either one.''—Thomas Jefferson

:''Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.''

:—Benjamin Franklin, Historical Review of Pennsylvania, 1759

MTC–00019871

From: carol smart
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subjecttunney act microsoft

to whom it may concern:

i strongly disagree with the decision made for settlement concerning microsoft issuing new computer software and hardware to underpriviledged schools.

i do not think this will be a strong enough punishment for the monoply microsoft. this will only insure that their product will fall into the hands of our youth, who are our future and will equal more sales for microsoft in the long run.

if school children learn how to operate microsoft products and have access to them, they will be more likely to purchase these products and to influance their parents to do so.

please take these comments into thought in your settlement decision.

carol kristjansson

MTC–00019872

From: John Harkins
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement

Microsoft was found guilty of a major crime. An appropriate punishment should be levied. A hand slap won't do—I don't think that breaking up the company is too severe. They continue to use unfair business practices—they are now trying to kill Java the same way they destroyed Netscape—it's the ultimate in arrogance. Don't reward unethical behavior—do the right thing please.

John Harkins
10608 Delfield Ct.
Laurel MD 20723

MTC–00019873

From: Donald J. Moore
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200

Washington, DC 20530–0001

The current Microsoft settlement is a very bad idea. Microsoft has postponed and delayed the proceedings to the point that the original Internet browser case will be far overshadowed by their .NET initiative which will make the monopolistic tendencies shown in the Netscape case like a springtime daisy. Microsoft must be broken down to prevent it from becoming the defacto arbiter of all activities on the Internet and our economy. Microsoft is bad. Breaking up Microsoft is good.

Thank you,
Donald J. Moore
President
Houses.com, Inc.

MTC–00019874

From: Technomage
To: Microsoft ATR
Date: 1/23/02 11:25pm
Subject: Microsoft ''Setllement''

I've been reading up on the proposed ''Settlement'' that is being offered Microsoft and I feel that we (the users, authors, and others) would be done a grave disservice if the proposed ''Settlement'' (as ammended) passes. In fact, it doesn't go far enough to protect others from the currently maintained ''Microsoft Monopoly''.

Sorry, the current deal is just not acceptable. try harder!!!

MTC–00019875

From: Timothy Jedlicka bonzopad
To: Microsoft ATR
Date: 1/23/02 11:23pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

I would like to point out some problems with the Proposed Final Judgment concerning United States vs. Microsoft as allowed by the Tunney Act.

I have had great difficulty avoiding the Microsoft monopoly. The court should try to remedy the monopoly, as well as assess real punitive damages, and encourage real competition. This will ultimately benefit the entire computer industry and all users.

The PFJ falls short in several areas, the following are the ones that continue to hamper my attempt at avoiding the Microsoft monopoly.

The ''Findings of Fact'' (paragraphs 20 and 39) found that Microsoft's UNDOCUMENTED file formats form an Applications Barrier to Entry. I have trouble finding compatible competitive software that will read Microsoft documents because Microsoft does not have to publish their file formats. This inhibits competition and encourages Microsoft's continuing monopoly.

Microsoft discriminates against ISVs who work with Open Source. The ''Microsoft Windows Media Encoder 7.1 SDK EULA'' prohibits the distribution of the redistributable component if it is in conjunction with Publicly Available Software. This discourages the use and growth of the Open Source community.

The PFJ does not place restrictions on how Microsoft licenses products to large users known as ''enterprises''. I work for a large corporation, but do not run Microsoft on my PC. However due to the licensing practices my department is still required to pay Microsoft licensing fees because my PC ''could potentially'' run a Microsoft OS. This gives no incentive for individuals or my department to run non-Microsoft software, since we would still have to pay the licensing fees.

I would suggest the court seriously consider Red Hat's offer to give an OS (Linux) and applications to schools for free forever if Microsoft provides the hardware. This appears to be a win for everyone who should benefit.

Thank you for your consideration.
Sincerely,
Timothy E. Jedlicka
Glen Ellyn, IL
Network Entomologist/Computer Engineer
CC:bonzo@lucent.com@inetgw

MTC–00019876

From: William Day
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft remedy should NOT have them giving to primary schools.

Dear DOJ,

The Microsoft remedy should NOT have them giving software to primary schools.

I'm happy if Microsoft give as much hardware as it wants to schools, just as long as there is no Microsoft software bundled with it.

Otherwise, if microsoft gives software to schools, this is just a trojan horse and the tip of the iceberg if you look at the total cost of ownership. The maintenance of microsoft software has yet to automated, unlike Apple Macintosh and Linux, and all it's other competitors.

A person still has to weekly click on Windows update on every box in order to keep secure any version of Microsoft windows. Don't foist insecure hardware on our schools, the folks least able to afford it.

— Hope this helps,
Bill Day
CC:William Dechand

MTC–00019877

From: Sam Mankiewicz
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

I believe the Proposed Final Judgement in its curret form does not do enough to remedy Microsoft's anti-competitive practices. First, the definition of what API's Microsoft must make public is incomplete, and excludes certain API's that Microsoft can use in the future to leverage its monopoly. Second, the provision that would allow Microsoft to retaliate against OEMs who ship PCs without a Microsoft OS installed is essentially condoning this anti-competitive practice instead of remedying it. Lastly, Microsoft has shown in the past that it has no intention of upholding the spirit of its agreements with the DOJ; therefore, stronger enforcement mechanisms ar needed. At the very least, a Technical Committee will be able to publicize Microsoft's transgressions more quickly, even if it can't do anything about them. Remember, this is a repeat offender you're dealing with—they've demonstrated before they are willing to behave illegally and I'm sure they'll do it again.

Sincerely,
Sam Mankiewicz
Registered Voter and citizen, United States of America
254 Eureaka Ct.
Sunnyvale, CA 94085

MTC–00019878

From: tim@temelectric.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

this is a real travesty!, i hope that the us government does some(a little at least) homework on this. microsoft is a beast that needs it's wings clipped.

tim blair
856 poplar trace
elizabethtown, ky 42701

MTC–00019879

From: David Union
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

I am one of the voices that is for stopping the case against microsoft as it's currently being carried on.

What microsoft *DID* do wrong is trying to force vendors to not carry other Operating Systems by offering them decreased prices for not offering options, sometimes disguising this as making them pay by the PC's they sold, not by the ones they sold with a MS Operating system.

This should be addressed as anti-competitive and the judge should let the companies effected by this, that had an alternate for the relevant hardware, perhaps sue for damages.

The bundling issue is completely bogus, and fabricated by competitors hoping to use the case to aid them in their business rivalry against a more well run competitor.

Microsoft is *not* known for innovation. Most of the stuff they ''bundled'' they in fact did so in response to their competition doing it first.

I can do this case by case
—Disk Compression: DR Dos added it, Microsoft Followed
—Networking: Novel DOS added it, Microsoft Followed. Most UNIX operating systems had this first, including some by SUN, one of the people trying to testify against MS
—Internet Browsers: Many people had this before Microsoft
—Mice—Xerox had this first
—GUI—Xerox had this first, and GEOS had it first on the PC.
—CD Burning Software—MAC OS ''bundled'' this first
—Video Editing—MAC OS ''bundled'' this first
—Built in graphics printer drivers—this was also an ''add-on'', but the ''MAC'' OS bundled this first.
—Multiple Monitor Support—MAC OS ''Bundled'' this first.
—Encryption/Security—SUN OS ''Bundled'' that first
—Clustering—Many people ''bundled'' that first

—FTP—All UNIX OS's ''bundled'' this first
—Telnet—All UNIX OS's bundled this first

I could go on for pages.

In all cases there were ''stand-alone'' products that had these features that were ''bundled'' by the other OS before microsoft thought of it. They did it because their competitors did, to keep up with them.

All of this is also just the natural extension of an OS (operating system). First you talk to some types of hardware, and as more becomes ''cheap'' you arrange to talk to it, including network drivers, cards, wireless stuff, etc. You keep adding features to give people reasons to buy the new version, otherwise they won't—just like with cars or any other consumer product.

Also, Microsoft helped the industry in other ways, basically democratizing it. In the 80's, before Microsoft, just a word processor (Word Perfect, #1 at the time) was nearly $500. Adjust that for inflation, and see what you get for the same money today. Compare the cost of ''Lotus 123'' in real dollars then and a whole office suite now. Microsoft's strong place has led to a huge upswell in the market. If there wasn't one really big market that developers could write for they never would have gotten the volume up to get the prices down, in real dollars, to where they are today. Especially when at the time folks like Novell, IBM, SUN, DEC, and all the folks wining now were charging thousands of dollars (sometimes hundreds of thousands of dollars) for the ''priviledge'' of getting the tools to develop for their proprietary platform.

Look Microsoft is no saint. They decide all issues based on how much money it will cost or make. I've worked with projects and been told by SUN that they won't give us any information on their products because we (at the time I was a contractor working for another storage company) were a potential competitor. Is this not worse than Microsoft?

I was on another project—we were building a server. Intel was one of the main competitors. They bought out in a single month the chipset provider and memory provider, then jacked the prices up of the parts we'd need (and put delivery schedules on hold) killing the whole idea of competing with them. Is that not worse than Microsoft? I could go on and on, but all the folks complaining against Microsoft are the pot calling the kettle black. Let people on a case-by-case sue for damages on the bundling issue and drop the rest of the case and save we tax-payers all the expense of the case.

Hurting Microsoft hurts the Software industry as a whole, which is not something we need right now.

David Union

Software Engineer

Currently: Vibren Technology, Inc. Former employee of of EMC Corp., and before that of Data General Corporation. Long before Microsoft, IBM came to Data General, who had a DOS operating system, and asked to license it for use on their ''IBM PC''. Some ''brilliant'' marketing guy at the time said that ''Data General wasn't a software company.'' I'll bet he regrets that one

MTC–00019880

From: Harry
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I am writing by appeal to the Tunney Act to protest the proposed settlement of the Microsoft case. It is very clear that this settlement is an inadequate remedy. I draw your attention to the following issues that must be properly resolved to restore fair competition in this industry.

1. The court must abolish licensing terms which prevent microsoft software from being used on competing operating systems (such as Wine) capable of running Windows software.

2. The court must prevent microsoft from building into its software code which detects and runs aberrantly under competing operating systems.

3. The court should directly encourage the building of microsoft alternative operating systems by offering aid to open-source groups currently engaged in building microsoft compatible operating systems.

I further believe that the continued existence of a corporate entity providing both operating system, all major software and browser for personal computers is a barrier to the development of software that is in the public's interest. Microsoft should be forced to divest itself of Internet Explorer and separately of the Microsoft Office suite of programs.

Sincerely

Harold A. Burgess

Michael Granato Lab

Department of Cell and Developmental Biology

University of Pennsylvania

1210 BRBII Building

421 Curie Blvrd

Philadelphia, PA 19104–6058

USA

PHONE: 215–898–8386

FAX: 215–898–9871

MTC–00019881

From: fairhill@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement Opinon

Bad idea. Punish them more.

JTM

MTC–00019882

From: Mike Venzke
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

I think it is ridiculous the way everyone is treating Microsoft.

I am a software developer, and a linux user, but I think Microsoft should be left alone.

Don't let the whines of unsuccessful companies lead you to bring down one who pays attention to people and does things right.

Microsoft created the very industry that breeds the people who are currently whining about them. It is because of Microsoft that they exist, and that they continue to exist.

Microsoft is not at all a permanent fixture. The volatility of the market has shown that even the biggest, most successful companies can be put of business rather fast by industry changes.

If someone wants to compete with Microsoft, let them make better software. But, please, don't force us to use second-rate operating systems just because some people whine because no one uses their software.

On the same note, I don't think anti-trust cases should even be pursued in the same manner they once were.

It seems like all we're doing is fighting amongst ourselves & letting the foreign companies dominate.

We should learn something from the Japanese regarding large companies.

Foreign companies will, and have been providing all of the competition the people need. Stop taking jobs away from Americans by crippling our companies and allowing foreign companies to take over.

The End.

Mike Venzke,

US Citizen.

MTC–00019883

From: Eric Hendrickson
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00019884

From: Anoop Ranganath
To: Microsoft ATR
Date: 1/23/02 11:29pm
Subject: Microsoft Settlement

i am firmly opposed to microsoft's proposed settlement simply because it is just a veiled attempt on their part to gain even a larger foothold in the market through their ''education'' grants. if they want to give to the schools, that's fine, they shoudl just give cash to be used anyway the school sees fit.

thank you,

Anoop Ranganath

MTC–00019885

From: John Panzer
To: Microsoft ATR
Date: 1/23/02 11:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to protest the proposed settlement agreement relating to the antitrust action against Microsoft Corporation. It effectively maintains the status quo, and does not do anything to deter Microsoft from future anticompetitive practices or do anything substantive to remedy the its past abuses of its OS monopoly. The company has shown no indication that it plans to change its practices. This settlement does not serve as a deterrent, nor does it directly prevent future monopolistic abuses.

There are many shortcomings to the proposed settlement, and others have pointed them out more ably than I can. I will just add two more suggestions:

(1) Microsoft should be required to fully and accurately document all the file formats that its OS and application products use. This is a major, and artificial, barrier to interoperation between Microsoft products and other products.

(2) As the equivalent of a ''common carrier'' in the OS world, Microsoft should be required to give access in a

nondiscriminatory manner to all organizations, individuals, or companies who wish to create software to interoperate with their OSs and applications. A neutral regulatory body should review their licences, present and future, to ensure that they meet this standard. The body should have veto power over all such licences.

Thank you,
John Panzer
151 Calderon #195
Mountain View, CA 94041
jpanzer@acm.org

MTC–00019886

From: Walter S. Rue
To: Microsoft ATR
Date: 1/23/02 11:30pm
Subject: Microsoft Settlement

To whom it may concern:

I don't agree with DOJ settlement and I therefore support the nine dissenting states who did not settle.

My main problem is that I do not believe Microsoft's abusively monopolistic behaviour will be restrained in any substantial way by the currently proposed remedies.

Sincerely,
Walter S. Rue
95 Maple Street, Apt. 12
Malden, Massachusetts 02148
1–781–397–2468

MTC–00019887

From: Wilkins Ken
To: Microsoft ATR
Date: 1/23/02 11:33pm
Subject: Microsoft Settlement
1/23/2002
Kenneth Galle
222 Alfred Station Rd
Alfred Station NY 14803
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am strongly opposed to the proposed settlement being offered to Microsoft. I am dismayed by the lack of remedy this settlement offers to U.S. citizens for Microsoft's anti competitive practices. Specifically, I have been personally damaged from Microsoft's policy of leveraging out of business any OEM that ships personal computers which do not contain a Microsoft Operating System. Microsoft should have no right to force their Operating System and any other bound software, such as Internet Explorer, onto a consumer's personal computer. This is clearly anti competitive, and a blatant misuse of the monopoly power of Microsoft Corp.

Section III.A.2. of the settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. This is unfair and wrong, and should be illegal based on the judgment against Microsoft.

Thank you for considering my comments.

Sincerely,
Kenneth Galle

MTC–00019888

From: S. Michael Tripper
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

1. They broke a previous court order, blithely and openly. They must face harsh penalties to ensure respect for the law.

2. Opening up the education market to MS, a feat which they have not had great penetration is nonsensical in and of itself and will hurt legitimate software companies.

3. The operating system does not include writing programs, photo-editing programs, internet-surfing programs or email programs. It is simply the software which allows other software to run on the hardware. MS must offer this ''stripped-down'' or more accurately, proper system to all purchasers of MS software—wholesalers, retailers and others.

4. They be forbidden to ''implant'' secret APIs. If they are building an operating system then they must allow fair competition by completely opening up tall their commands, sub-commands, API's, hardware and software calls, IO, etc to licensed developpers. Theses developers must all have identical terms, with reductions for block purchases only.

Thank you,
Michael Tripper
416.538–2705
57 Wilson Park Road
Toronto, Ontario
Canada
M6K 3B6

MTC–00019889

From: Gabriel Ash
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

RE: comment on the proposed settlement between the DOJ and Microsoft

I would like to express my adamant opposition to the proposed settlement. The proposed settlement does not effectively punish Microsoft for proven illegal behavior. The proposed settlement does not effectively prevent Microsoft from continuing to abuse its monopoly. The proposed settlement sends the wrong message about the rule of law to would be violators and to the public.

The proposed settlement fails to prohibit many of the abuses that were revealed in the trial, including punitive pricing and coercive contracts. But even within the few and inadequate restrictions it does establish, the settlement lacks a serious enforcing mechanism. It leaves Microsoft free to interpret the agreement and requires a new trial in order to establish violations. That would be unsound in any case, let alone in this case, in which the offender has a track record of bad faith in dealing with the law.

The weakness of the proposed settlement stands in stark contrast to the strong findings of fact against Microsoft. The finding that Microsoft's abused its monopoly withstood appeal. That the DOJ would agree to such a week deal from such a strong position suggests either incompetence or corruption.

Microsoft has been bound by a consent decree even before the latest trial. That consent decree was poorly observed. In the trial, disturbing evidence emerged regarding the complete contempt in which key Microsoft executives held the federal government and the judicial system. Here is a company that not only broke the law, but did it repeatedly and brazenly, and never showed an ounce of contrition and never accepted responsability, even after the appeals court sustained most of the case against it. For such a company to come out of this case basically unscathed, is to invite a general contempt for anti-trust law and federal oversight of commerce in general. Especially now, after the massive failure of regulation that was revealed in the Enron collapse, this is the wrong message for the court to send to the nation.

America needs to hear from this court a n affirmation of the integrity of the law and of the role of the government in overseeing and enforcing the rules of commercial competition. Accepting this settlement will not acheive this goal.

respectfully
Gabriel Ash
gabriel@netmessage.com

MTC–00019890

From: Steve Blair
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

Dear Sirs/Madams,

Regarding the proposed settlement between the Department of Justice and Microsoft Corporation, I have to say I am grievously disappointed in the ''supposed'' remedy. Like many other Americans I am beside myself in disbelief after reading the settlement. I've listed my concerns below.

1. The settlement proposes nothing to effectively address the possible recurrence of anti-competitive behavior from Microsoft Corporation. The definition concerning ''Windows Operating System Product'' among others leaves much to be desired. A simple name change or new ''Operating System Product'' allows Microsoft to wriggle out from underneath this one.

2. The settlement proposes nothing to address punitive and reparative measures on behalf of companies such as Netscape Communications, Caldera and others which clearly fell victim to Microsofts'' anti-competitive nature.

3. The settlement does not punish Microsoft for a single violation of the Sherman act. The proposed settlement continually points out that Microsoft violated anti-competitive laws, yet there is not even a whisper of any consequence.

I sincerely hope that the final draft of the Proposed Final Judgement against Microsoft Corporation addresses these issues (and the many others I did not mention) and does not merely mention the fact that the law was broken. Although this may not be the most opportune moment to make an example out of another ''monopoly'' (I remember AT&T's divestiture), I believe it is necessary and I believe it is the right thing to do.

''The only thing necessary for the triumph of evil is for good men to do nothing.''

Edmund Burke

MTC–00019891

From: G.J.

To: Microsoft ATR
Date: 1/23/02 11:38pm
Subject: Microsoft Settlement

I have watched the proceedings of the Microsoft trial for years. Its obvious to myself and many others in the computer industry that Microsoft just bullies its way around, or uses stall tactics to get it's way.

Microsoft has made a laughing stock out of the government and the legal system. The legal system has no balls. The message to everyone is if you have enough money and lawyers you can do what you want. I personally want to see Microsoft held accountable for their wrongdoing and suffer the consequencs. Thankfully the attempt to contribute their software on the schools was thwarted. Don't let this case keep dragging on, give Microsoft their medicine.

Gary Johnson
email garyj@kos.net

MTC–00019892

From: Kevin Dickson
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I have reviewed the Final Judgment for the Microsoft antitrust case dated November 6, 2001. I, as a United States Citizen, would like to provide my comments on this proposed settlement.

I am a software engineer by trade, and have been working in such a position for 2 years. Beyond this, I am have been using computers for many years having experience with and programming in Unix, Linux, Windows, and MacOS.

Overall, I do not feel that this settlement does enough to keep Microsoft from retaining a strangle hold of the operating system space, the home user's choices and the computer industry in general, especially for the long term. Also, I do not feel that this settlement provides enough of an umbrella to prevent Microsoft from gaining monopolies in additional areas. In paragraph D of section III. Prohibited Conduct, I first read this as a good start, releasing APIs and other documentation to certain areas of the computer industry. I believe that this should be extended, that everyone should be able to view and use these APIs and documentation easily and license free. Doing so, I believe, would allow others create a competing operating systems that would be able to run current Windows applications, and also to allow more application which can compete with Microsoft middleware application. Later on, in paragraph J of the same section, it would seem that paragraph D could be voided out by Microsoft claiming and this API and that documentation cannot be released as it would constitute a security violation or anti-piracy/anti-virus workaround. We know that Microsoft agrees with the security through obscurity idea. One only needs to look at Unix and Linux to see that this is not the case with their relative lack of wide spread viruses and worms infections.

I also feel that the releasing of APIs and documentation should be extended from just Microsoft operating systems. Microsoft is currently working on their .NET project. This is not itself an operating system as I understand it, but it is a large platform for another level of applications. It this area it could again put a strangle on competing applications.

My final point is one of this settlement's length of enforcement. In section V. Termination, this settlement is only enforceable for 5 years (barring an extension). My thought is that this is far too short. But I do not have experience in writing out final judgments and do not know how this compares to other settlements of the past.

These are a few of my views of the Final Judgment. I hope they will be taken into consideration. Microsoft was found guilty by the US courts and should be punished to the fullest extent. They have done much for the computer industry and for the general user, but I would argue that more and greater innovations would have come about in the absence of Microsoft's monopolistic actions.

Thank you for your time.
Kevin W. Dickson,
Software Engineer,
Raytheon Co.
Billerica, Massachusetts

MTC–00019893

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08pm
Subject: Microsoft Settlement

I believe that an important part of the settlement should include a provision for oems and retailers to be able to include a dual boot or multi-boot environment on the computers they sell. Current microsoft oem agreements do not allow computers sold with microsoft windows to include a different or competing operating system on the same computer in a configuration that would allow the user to pick which operating system to use when they turned the machine on. This would be a very simple setup for most computer makers, and a most effective way to introduce some competition in the market. Many computer producers would love to put multiple operating systems on their computers without a penalty from microsoft, but they cannot.

Please be very specific when issuing orders to microsoft. They do not believe they have done anything wrong, and with fight and cheat every inch of the way. They will do whatever they want, and just argue in court that they have not violated the agreement. Please reword the any agreement in a way that will be very easy to prove whether or not microsoft has violated the terms or not, because they will violate them, and we need to be able to enforce whatever settlement there is.

Will Hansard
Jonesboro, Arkansas

MTC–00019894

From: Steven E. Stanley
To: Microsoft ATR
Date: 1/23/02 11:30pm
Subject: Microsoft Settlement

Dear Judge,

I urge you to carefully consider the damage caused by the business practices of The Microsoft Corporation. The business practices of a monopolist must be different from those of other businesses. Without the significant intervention on your part, the American consumer is denied the choice of our ''free market'' system.

Steven Stanley

MTC–00019896

From: Robert Kushner
To: Microsoft ATR
Date: 1/23/02 11:32pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Robert Kushner

MTC–00019897

From: Chris M. Bergeron
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

Hello,

I'd just like to voice my opinion against the current Microsoft settlement. Any action that does not significantly impair Microsoft from crushing further competition in the computer software and hardware markets will fail to encourage healthy competition and lead to the stagnation of said markets. Microsoft has engaged in exceedingly anti-competitive action and threatens to undercut developement. Recently, they purchased a good portion of the intellectual property of their only competitor in the 3D graphics field, SGI, and continue to flaunt there disregard for the US legal process and anti-monoply laws.

The settlement, as it stands, is bad for every business in America except Microsoft, and bad for the American people.

Thanks for your time,
Chris Bergeron

MTC–00019898

From: mjm@enteract.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my opinion regarding the Proposed Settlement with Microsoft. It would appear that this settlement will do more to encourage the practices that Microsoft has already been convicted. One of the problems that I find is that if I wanted to distribute any of the software that I have written, it will not be legal to run that software on any Window product because of their restrictions against using any software covered by many of the Open Source license. While Microsoft would lead you to believe that this software (Open Source) is ''Viral Software'' (a term used in their own literature), there are many machines running such software without any problems as described by Microsoft. This tactic is nothing more than Microsoft trying to instill FUD (or Fear, Uncertainty, and Doubt).

Thank you for your time,
Michael McGonagle
7415 N Winchester, Apt 1
Chicago, IL
773 761 9879

MTC–00019899

From: Ross Friedman
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

Hi,

I don't agree with the Microsoft Settlement. Microsoft has a monopoly on operating systems, and their current and future actions will enhance their strong-hold on the desktop operating system market. Competition in business is a key to capitalism, and while Microsoft competed to get to where they are, the current settlement proposal will help them keep their position, preventing smaller companies from fairly competing. Therefore, the current settlement should not be approved.

thanks,
Ross
University of Pennsylvania student

MTC–00019900

From: Bob Kavanagh
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

Hello

As a tech manager for a school system, I object to the proposed settlement of the Microsoft anti-trust case. It would seem to me that this settlement benefits Microsoft and harms its competitors. It would be better if Microsoft simply gave money or credits to schools that could be spent on any company1s products. Schools could then decide what is best for them. If Microsoft gives the schools Microsoft products, the schools are then more likely to continue to buy Microsoft products. How does this help limit the power of Microsoft?

Thank you for not helping Microsoft continue its monopolistic practices.

— Bob Kavanagh
Tech Manager
Sudbury Public Schools
Sudbury, MA 01776
1–978–443–1058 x249
1–978–443–9001 fax

MTC–00019901

From: Zane Thomas
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:49pm
Subject: Microsoft Settlement
Zane Thomas
POB 121
Indianola, WA 98342
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Zane Thomas

MTC–00019902

From: Nicolas Sterling
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

First, I must thank the DOJ for directing their energy toward Microsoft. I know it has been a hard battle. I am a software developer. I believe that Microsoft has seriously damaged the industry through its practices. What they did to undermine the Netscape browser and the Java platform are clear examples, but there are others. I understand that Microsoft deliberately changed OS APIs to break applications which competed with their own. And the NT operating system would have died on the vine for lack of applications, except that Microsoft threatened to withhold its Windows seal from Windows application vendors that did not also make the applications work on NT. As a result, NT does exist and is now beginning to compete with various Unix flavors primarily because of those very apps which were made to work on both operating systems.

It is difficult for me to imagine what Microsoft would look like today without the accumulated benefits of their monopolistic practices, but I firmly believe that they would have a far smaller share of their markets, if any share at all. Other companies and products— perhaps whole new classes of products—would exist. Competition would have driven the market to produce better products, services, and prices for consumers. I suspect that the total damage done to consumers is far greater than the value of Microsoft itself.

The settlement seems to be primarily about placing and enforcing restrictions on Microsoft to bring it into line—that is, not very punitive. Yet I think that Microsoft, through its practices, has committed an intellectual terrorism of huge proportions. I believe that harsh punishment is warranted, and that without such punishment they are in effect encouraged to carry out whatever monopolistic practices they can get away with, and accrue the benefits in terms of revenue, market share, and weakened competition until such time as they are forced to stop.

I am concerned about Linux, which I believe to be a new target for Microsoft. I am also concerned about the emerging digital wallet arena. How can we expect Microsoft to behave, and how much damage with that cause?

It is clearly impossible to completely undo the damage done by Microsoft. But they should be discouraged from repeating their abuses.

Thank you for your time.
Nicholas Sterling
2507 Zambia Dr
Cedar Park, TX 78613

MTC–00019903

From: Bonnie McCarter
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 7:00pm
Subject: Microsoft Settlement
Bonnie McCarter
252 N. Sparkman Blvd.
Tucson, AZ 85716–2244
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Bonnie McCarter

MTC–00019904

From: Don Oliver
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Opinion on Microsoft Proposed Final Judgement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

My name is Don Oliver. I have been an independent software developer since 1995. My business has suffered tremendously due to Microsoft's systematic anti-competive destruction of the Java(tm) market due its purposeful introduction of incompatibilities and illegal restrictive contracts with OEMs to prevent the distribution of the Netscape(tm) browser. I strongly object to the Proposed Final Judgement in its present form. I am not a lawyer, but within minutes I could see enough loopholes to skirt the intent and consequences of this settlement.

First of all, it contains too much ambiguity, especially in the language describing the future operating system products that are named, and in the definitions of the ''middleware''.

Secondly, it has no teeth in it. You are dealing with a company that has lied and used deception during the trial and has consistently ignored all previous orders in past consent decrees.

I recommend that you consider at a minimum adopting the changes recommended by Dan Kegel, et. al. in their correspondence.

Regards,
Don Oliver
DonnyWorld, Inc.
''We Deliver Community''(tm)
279 East Central Street, Suite 140
Franklin, MA 02038
www.donnyworld.com
Voice: 508–384–4166
FAX: 508–384–8683

MTC–00019905

From: Todd Pringle
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to simply voice my strong objection to the current settlement on the table in the Microsoft antitrust suit. As a technology professional working at the company Microsoft made every effort to make disappear (with an exceedingly unfortunate level of success), I must say that I have witnessed firsthand the anti-competitive efforts of the company.

As the Product Manager for Netscape Navigator (although I have only been with the company a year and a half) I am constantly reminded of Microsoft's monopoly power in the way our current market share has declined and in the barriers we have to get our product in front of consumers. Ours is the quintessential case of how Microsoft squashes competition, and of course it laid the groundwork for the antitrust suit. Every day that we develop strategy and our products, we do so knowing that we are up against a competitor that simply doesn't play by the rules established by the law. Doesn't, hasn't, and with the current plan on the table, never will.

Frankly Microsoft's monopolistic practices and its stranglehold on the operating system of 90%+ of the PCs delivered to consumers has become a bit of a joke in the technology industry. People simply joke about it, laugh it off, make sarcastic comments about it, and of course decide to try and do anything that Microsoft isn't doing or wouldn't be interested in. The tragedy of this is no joke however. The fact that some of the brightest, most innovative minds in the world have decided to capitulate—not compete, not innovate—speaks volumes about the negative effects of Microsoft's business practices. Those that do attempt to compete, such as us, simply bang our heads against the wall that is Microsoft's monopoly every day. This, I can assure you, is not fun. And it is most certainly not fair competition.

I won't detail the list of anti competitive actions Microsoft has taken here, as you most certainly are more familiar with them than I by now. I will say that people, technology professionals in particular, have simply lost faith that the government will remedy the situation in any meaningful way. I urge you to prove otherwise.

Thank you,
Todd Pringle
Product Manager
Netscape/AOL Web Properties
650.937.3917

MTC–00019906

From: Patrick J. Santucci
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

I write to express my opposition to the Proposed settlement of the Microsoft anti-trust case. There are a number of excellent reasons to fault the proposal, but chief amongst them to my mind is the narrow definition of both API and middleware in the proposed settlement. As written, trivial changes in application names and/or version numbers could permit Microsoft to continue thier exploitive practices without violating the letter of the settlement. Indeed, whole new applications and extensions of extant applications (such as MS Office) could be developed with the specific intnet of dodging the provisions of the settlement.

The proposal as written will not impeded anticompetitive behavior by Microsoft, and thus does not serve the public good.

Sincierly-
Patrick J. Santucci

MTC–00019907

From: Bruce Hamilton
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is bad idea. The Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

—Bruce (Bruce Hamilton, Redondo Beach, CA)
bhami@pobox.com
http://bhami.com/

MTC–00019908

From: Michael Weidlick
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

As a computer professional and a consumer, I can't believe the DOJ is so willing to let Microsoft off with such a minimal punishment. Has anyone at Justice been watching how Microsoft has conducted business since the lawsuit began. There business practices are status quo at best and I think worse. They always seem to be ''thumbing their nose'' at fair business practices. I think they should get the harshest possible punishment for their past and current actions.

Michael Weidlick
1209 Whispering Pines Court
Creve Coeur, MO 63146
314–469–6095

MTC–00019909

From: Thomas Hicks
To: Microsoft ATR
Date: 1/23/02 11:36pm
Subject: Microsoft Settlement

Dear Gentlemen:

As a Software Engineer with 27 years of experience, I abhor the proposed government settlement with Microsoft corporation. Microsoft has been unequivocally convicted of anti-trust operations in a U.S. court of law and should therefore should be punished in such a way as to discourage a repetition of its criminal behaviour. Instead, the DOJ is giving the company what amounts to a slap on the wrist and allowing it to continue (to this very moment) the unethical, immoral and ILLEGAL practices of which it has been convicted.

In my opinion the proposed settlement does almost nothing to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''. This settlement is a sham and a disgrace and I urge you to reject it.

-tom hicks
4950 N. Via Entrada
Tucson, AZ 85718

MTC–00019910

From: Richard Molpus
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:39pm
Subject: Microsoft Antitrust Settlement comment

May it please the Court:

I write in the matter of Microsoft v. US, the most visible Antitrust and Anti-Monopoly case that has been before the Courts and the Public since the actions against American Telephone and Telegraph (AT&T). I feel that the case is closer in importance to the Standard Oil Antitrust Case, in the similarities of economic and business influence, and the resistance of the Defendant to admit any form of wrongdoing in their aquisition and maintenance of Monopoly. ''The Federal Government is not bound by the Laws of the State of New Jersy'' might be redrafted as ''The Federal Government is not bound by a Shrink-Wrapped License''.

I have been working with Hobby computing since 1975—I like to say since before Bill Gates had his first Million. I've watched as Microsoft began as an innovative company that worked in the fledgling industry to stay alive, then stayed at the forefront of cooperative growth by working with other companies to aid the spread of Personal computers.

Microsoft, prior to the introduction of the IBM PC, cooperated with other companies in the nascent PC software and hardware industries to develop and apply standards in an evenhanded and equal fashion. Since no two hardware companies produced the exact same hardware, the task of creating a working system was difficult—and would have been impossible if the hardware and software companies had not been willing to ''reveal all'' to anyone who asked. System integrators; whether as commercial entities or as private hobbyists; refused to use products, whether

Hardware or Software, that were ''Black Boxes''—sold with only the most trivial interfacing information.

Things were primitive, to be sure, but the cooperation required, and provided between manufacturers and users, meant that the market leaders led due to the quality of their product, not the quality of their legal department. Bill Gates, Paul Allen, and the other founders and employees of Microsoft did ''Bet the Company'' with the IBM PC. It was a completely new hardware and software combination—and since IBM provided very detailed plans for the hardware and software in the PC, no company had any initial advantage over any other except based on when the IBM specifications became available.

Microsoft, however, was not so forthcoming about the details of their contribution to the PC Platform; While they were willing to sell MS-DOS for (comparative) pennies, they refused to provide any internal details of the inner operations and structure of MS-DOS (this also applies to IBMs'' PC-DOS, which was a simple relabeling and repackaging of the Microsoft code). Microsoft used it's total control of the MS-DOS platform to conceal what MS-DOS could do—keeping surprises hidden to allow ''amazing'' improvements to establish or maintain market share.

qBorland upstaged Microsoft by creating ''Sidekick'', the very popular accessory program that used ''undocumented'' methods of using MS-DOS's internal capabilities to make Sidekick not a ''trespassor'' program, but an active part of MS-DOS itself. Borland, by the news stories of the day, had discovered how to link Sidekick into MS-DOS by private (very private) reverse engineering efforts to discover —how— MS-DOS worked internally. Microsoft had not revealed all of the link points (API Calls) of MS-DOS, and Borland's efforts surprised everyone—and (from the journalism of the day) enraged Microsoft. Borland was a notable competitor to Microsoft, since it offered several of the major programming languages of the day (Turbo Pascal, Turbo Basic, Turbo Assembler). Microsoft had to grin and be quiet.

Other companies followed Borland's lead, sneaking looks into the guts of MS-DOS to provide all sorts of accessory tools and features, upstaging Microsoft's own offerings. Microsoft had learned an important lesson—Control of the API set meant control of the market.

Later anecdotal stories demonstrate the way that Microsoft took the lessons of Sidekick to heart— ''Win3.1 isn't done till Lotus won't run'' being the most lyrical of the anecdotes. Lotus 123 was the main competitor to Microsofts'' own Spreadsheet, and the popular view was that microsoft wanted to provide it's own product with the competitive advantage of working better with windows 3.1 than Lotus's product.

The old tradition of cooperative assistance between software and hardware vendors had ceased, especially since Microsoft provided both the Operating system (MS-DOS and Windows 3.x) and Commodity software (Microsoft Word, Excel, Money, Flight Simulator, Games, etc.). When MS Word for Windows 95 was introduced it had many special features that no other competitors had— float-on-top hints, special mouse options, and others. Lotus and Borland both groused in the media that Microsoft hadn't told them about any of the extra API's in Windows 95 that would allow such extras; Microsoft had used the secrecy that was natural to internal corporation communication to gain an advantage on it's competitors.

Had Microsoft not been both a Operating Systems and Commodity Software company it would have never been able to hide such extra capabilities from the competition—if it was a OS company only, it would have sold the knowledge to any customer, if it was a commodity company only it would have had to create those additions by it's own research into the private workings of the Operating System.

Like Standard Oil, which had control of both the Pipelines and the Refineries, Microsoft can use it's control of OS functions and commodity software functions to block the advancements of it's competitors and leverage the secrecy of it's internal communications to spring surprises on the world.

Standard Oil could and did demand kickbacks from the Railroads based on the total oil shipments, and could manufacture shortages in a region by refusing to either send petroleum products to a market, or refusing to refine types of petroleum, keeping the strategies secret until the market was at its mercy.

Microsoft can do the same—If it won't reveal what the OS can do, then no other company has a chance to bring extra capabilities to the market, and it can hide those extra functions in the OS to spring those extra features on the market at any time in it's own products.

Standard Oil created a Monopoly in the Petroleum industry; whipsawing the market between it's control of distribution and production, controlling a slice of the economic world as it wished, for it's profit, heedless of the damage to the consumers. Standard Oil decided who got what grade of oil, grade of grease, grade of Gasoline, grade of anything petroleum-based. It could charge what it wanted, and the public be damned!

Microsoft has similar powers; it allows the public—both the end users and the other software companies—to do only what it sees as proper, restricts the best and fanciest to its own products, can demand that it's customers do as it sees fit (cf. the Compaq reversal on offering Netscape as the default browser), and having no real competitors in the 80x86 PC OS market, can charge what it wants to ''guide'' the market.

I am not any sort of expert in the law nor learned in the ways of legal argument; but I can see that the actions of Microsoft have limited the growth of the computer marketplace—It has such a control of the features and functions of the OS that it can start or stop developments in the software industry by ''announcing'' or ''denying'' upcoming features of the Windows Operating system. It has used it's control the ownership of the OS to replace third party commodity software (WordPerfect, Lotus 123, Quattro Pro, Dbase, Netscape) with it's own products, shielding them from full force of competitive pressure and scrutiny by handcuffing it's products (Word, Excel, Internet Explorer, Access) to the sale of the Operating system.

Microsoft, like Standard Oil, is so large that it can withstand any normal corrective force from the marketplace, short of a relevatory act of the size and style that has destroyed Enron, Microsoft has no real competitors; it is a 800 pound gorilla.

However, Microsoft, like Standard Oil, is subject to the Law of the Land—and the Wagner and Sherman acts are written with a clear intent to make the Federal Government a 2000 Pound Gorilla— capable of rending any other beast into tiny pieces. The Legislatorss who wrote those acts lived in a business environment that was much more corrupt—openly and blatantly corrupt—than we live in now. They wrote with a broadness and a bluntness that was powered by their anger and disgust— intending to give the government a blunt-edged weapon that was never to be use with delicacy, but with a savage vigor to place eternal fear into the minds and hearts of businessmen or women who wished to create an Trust or Monopoly. I like many in the computer and Software Industry, have been alarmed by the delicate action of the Courts and the Prosecution; Having been bled by Microsoft in the past we desire its blood to splash in the gutters, running red on the paving stones.

The USA benefited from the breakup of the Standard Oil Monopoly, Benefited from the breakup of the AT&T Monopoly (indeed, this message would not have been reaching this Court had the AT&T Monopoly not been broken), and will benefit from the dissolution of the Microsoft Monopoly. The secrets that Microsoft has hidden within Windows for it's sole profit will be available to all the software world, the competitors of Microsoft will be empowered, the market will be freed of a limiting boundary—one set by the desires of Microsoft.

Microsoft can be divided into four separate entities—Operating Systems, Commodity Software, Computer Hardware, and Internet Services. An additional entity—to contain the research and theoretical efforts that Microsoft funds; much as Bell Labs was maintained as an entity when AT&T was divided; would be appropriate.

Operating Systems would contain all the resources to maintain and expand the Windows operating system—but no Commodity, or Internet software. A benchmark for deciding what belongs in this company would be to examine what was included in the initial release of Windows 95— no Internet Explorer, no Microsoft Word, no Microsoft Works, no Microsoft Media Player. If Microsoft sells a piece of software as a separate item, or offers some form of extra-cost add-on ''expansion'' to ''improve'' the capabilities of a ''integral part of the operating system'' then recognise that item for what it is—not an integral function of the OS but as a tacked-on piece of Commodity Software.

Commodity Software would cover all the ''Office Software'', ''Back Office'', ''Middleware'', ''Multimedia Support'', ''Entertainment'' or ''Pig in the Pokesack''

software that Microsoft produces or sells. Wether it be the Encarta Library, Microsoft Streets mapping software, or Microsoft Word itself, Commodity Software gets the lot.

Computer Hardware would be be responsible for such things as the Microsoft Mouse, Keyboard,.

Multmedia hardware—anything not software with the Microsoft name. The Microsoft Press, which published guide books and texts about Microsoft products would also belong in this entity.

Internet Services would get MSNBC, the Microsoft Network, Internet Explorer, Hotmail, anything that will not work without the use of of a TCP/IP stack. Microsofts new .NET efforts would belong to this entity.

I ask that this Court order the separation of Microsoft into several separate components—each a fully separate company, free to succeed or fail based on the quality of it's product, not guaranteed life because of a monopoly or corruption of the marketplace.

I thank the court for its time and attention.

Richard Molpus
rgmolpus@sff.net

MTC–00019911

From: Dain
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

Good day,

After having read the proposed settlement against Microsoft, I would like to voice my comments. I am not in favor of the proposed settlement as it stands and am strongly opposed to the current course of action.

I have been a computer user and enthusiast for a number of years and have increasingly grown frustrated with the practices of Microsoft that I seem to keep running into. I feel cheated by the acceptance of the proposed settlement terms. I have listened to an explanation of the reasoning behind some of the proposals as well as read through them myself and there are many potentially good points that have been proposed, but the problem that I see the most is that a great damage has already been done by Microsoft.

Even if their wrong doings are addressed for future practices, they still have unfairly dominated the software and operating system markets, and I don't see how companies they've engaged with will be compelled to alter their practices.

As a computer user, every time I purchase a new computer I am forced by the manufacturer to pay for a Windows operating system, even though I already have multiple copies of the software that I have paid for and I don't want to install Microsoft Windows. I want to install the free Linux operating system.

Even if Microsoft is prevented from forcing this practice on computer manufacturers in the future, what incentive is there for manufacturers to offer either no operating system or an alternative operating system. The manufacturers are so entrenched with Microsoft products that even hardware is becoming more arbitrary to Microsoft software and incompatible with anything else. This is a clear example of hurting consumers and the advancement of computing in the United States. Even if I am able to buy a computer without an operating system, or the operating system of my choice, I am not able to use a modem because nearly all computer manufacturers ship Winmodems, or software based modems that are controlled by Microsoft drivers and software. Even if you could buy a non-winmodem, you still couldn't use it because manufacturers have altered the slot architecture to only allow for PCI devices, which traditional modems cannot be installed in. I spent $100.00 for a modem in a new computer only to find that it will only work under Windows. If the source code were released then maybe someone could develop drivers to support these modems and other software, but as long as Microsoft continues to produce closed-source software the advancement of computing suffers. Even the advancement of Microsoft during fair practices suffers.

I am currently a member of USENIX, the Advanced Computing Systems Association, and a member of SAGE, the System Administrators Guild.

As such I am constantly involved in working with more powerful and reliable computer systems and software and become more and more hampered in my learning efforts by facing what seems like an army of software vendors, service providers, and businesses in the job market that pose roadblocks to universal computing standards because of Microsoft practices.

I feel that Microsoft must not only refrain from future misconduct, but needs to repair the damage that it has already done to so many competitors. Giving away their software to children in schools is not a reparation but further promotion of a monopoly, and further indication of Microsoft's monopolistic intents.

One operating system vendor offered to supply free software and support for as many computers as Microsoft could donate to schools and thereby substantially increase the number of computers schools would receive. This is exactly the type of remedy Microsoft should be engaged in to repair the market competition they have curtailed. If the telecommunications act of 1996 required incumbent local exchange carriers to open their networks and rights of way to competitive carriers, why shouldn't Microsoft be required to open the source code to its software and operating systems. I also think that Microsoft needs to be accountable for the software it does produce. You need a Department of Justice to read through all the disclaimers and legalese that comes with every Microsoft product.

I have much more to say about these matters, but in appreciation of your time and consideration of my comments I'll end here. Thank you for your help and continued perseverance to protect the consumer and fair competition in this matter.

Sincerely,
Dain G. Oswald
503 N. Roosevelt Blvd. Apt A–324
Falls Church, VA 22044 703–538–4550
Member: USENIX
Member: SAGE

MTC–00019912

From: Aron Insinga
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the case against Microsoft is far too weak. I do not believe that this settlement would have any substantial effect on their behavior. Time and again they have shown their disregard for the government and the court and the law: they circumvented a previous settlement by agreeing to limits on a product which they knew would soon be obsolete, they mocked court orders by releasing a non-functional product, they provided falsified video tape as evidence during their trial, etc.

I believe that this proposed settlement relies far too much on Microsoft policing themselves and it is therefore seriously flawed. It does nothing to punish them for breaking the law, it does nothing to deprive them of their ill-gotten gains, it does nothing to end their monopoly of the desktop operating system, and it does nothing to prevent them from extending their monopoly into other areas, such as content. I find the later point quite disturbing.

I do not believe that the operating system, the applications, and content should be controlled by the same company. I fear that, in the future, Microsoft will be able to continue to use their desktop operating system monopoly to prevent other applications from effectively competing against theirs, and they will then extend this new monopoly into content. I believe that this would be a serious threat to our freedom of the press. I believe that Bill Gates'' Corbis'' purchase of the Bettman Archive of most of the 20th century's historically important photojournalism is proof that they intend to take this direction. I also believe that their newer licensing terms which try to prevent people from using their products to criticize them is more proof of this threat to our freedom.

In fact, I believe that the break-up of DuPont into DuPont, Hercules, and Atlas several decades ago is a good precedent and should be followed in this case. The explosives and chemical industry became much stronger and more innovative because of it. DuPont's monopoly of the gunpowder market had been both an economic burden on the government and a threat to national security since a single company controlled a resource critical to national defense.

Microsoft's monopoly provides exactly the same threats to the government and the nation, for exactly the same reasons. The US Navy ship which had to be towed back to port because of a Windows/NT crash is enough proof to me of this threat.

Therefore, I strongly urge you to reject the proposed settlement and impose a meaningful punishment and remedy, breaking Microsoft up into 3 independent companies: operating systems, applications, and content. Nothing less is an adequate punishment and can be as effectively implemented.

Sincerely,
Aron K. Insinga
41 Dublin Ave.
Nashua, NH 03063

MTC–00019913

From: David Eby

To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing to voice my disapproval of the proposed settlement in the Microsoft AntiTrust case. I feel that the proposed settlement does not adequately address their previous anticompetitive behavior nor will it in any serious way prevent such actions in the future. This company's management has shown that it will not act responsibly when holding a monopoly position in a market but will rather use that position to gain dominance over other market segments whenever possible.

Microsoft fears that any substantial remedy will hinder their ability to innovate. This may be true, but you must keep in mind that Microsoft has caused far worse hinderance to legions of other software companies through its past illegal actions; innovation is not the exclusive domain of Microsoft. By implementing an adequate remedy, you allow true innovation to flourish.

Respectfully yours,

David Eby Your favorite stores, helpful shopping tools and great gift ideas. Experience the convenience of buying online with Shop@Netscape! http://shopnow.netscape.com/ Get your own FREE, personal Netscape Mail account today at http://webmail.netscape.com/

MTC–00019914

From: Uri Guttman
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

I am not in favor of the current settlement with Microsoft. As someone who has long term experience in the computing field (28 years), I would like to point out the famoud BUNCH suit against IBM in the mid-1960's. IBM would announce a new system 2 years before it would be delivered and that would dry up sales for all the other computer vendors. Microsoft (among its many monopolistic actions) has used this vaporware technique many times.

Also I have direct experience with their managerial duplicity. I was a senior software developer with a startup and Microsoft asked us for a proposal of a variant of our product. They even said it didn't have to use any of their software in it. We worked hard and delivered it to them. Two months later we finally got a converence call with them and they first asked us what they could do to make their software (which wasn't good to begin with) usable for our product. But even worse was their statement that they didn't buy paper proposals/projects even though they asked us for it. This cam from senior group managers and was obviously the way they did business. They only did this to pick our brains and had no intention of doing business with us.

This is the kind of ingrained lack of ethics in this corporation. Any consent decree without serious teeth will be laughed at and skirted. Just look at the way they ignored the earlier decree about integrating their browser with their OS. By the way, the whole browser issue is a red herring. It is the way they purposely try to destroy other companies with vaporware announcements, lack of API documentation, changing their code to not work with accepted public standards, etc. that should be the crux of this case. I have nothing against strong competition but that implies a level field of some sort. Microsoft owns the playing field and has no business or ethical interest in leveling it. This is antitrust at its deepest fundamentals. This is what Teddy Roosevelt was fighting when he trust busted the robber barons of his day. The railroads and steel companies were also monopolies and use that power to control markets. This is what Microsoft wants and is always trying to do. It is up to the Justice Department and the state AG's to stop this now. Please do not accept this slap on the wrist agreement. Force them to make drastic changes in how they deal with the computing world and other businesses. They must not be allowed to abuse their monopoly power and ruin more companies, the internet and the computing industry in general.

Thank you,
Uri
Uri Guttman
uri@stemsystems.com
http://www.stemsystems.com

MTC–00019915

From: robert
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is a BAD idea. It does little to open the market to competition.

Robert Spotswood

MTC–00019917

From: Kinley Goodman
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

Dear Sir/Madam;

I feel that the success of Microsoft has been due to a superior product with effective marketing. I chose to purchase Microsoft products and I have chosen not to purchase products such as Netscape, etc. The successful marketing and a superior product does not constitute unfair business practices.

Sincerely,
Kinley C. Goodman

MTC–00019918

From: dsyates
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

The proposed settlement is a VERY bad idea.

MTC–00019919

From: John Faughnan
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

I am writing to register as someone objecting to the proposed settlement of the US DOJ case against Microsoft. I spend too many hours dealing with software problems related to Microsoft prodcuts. I would like the range of alternatives I experienced 10 years ago. There are no alternatives now, there is only Microsoft's monopoly power. They have abused that power. The produce some good products and some miserable products; the curse of the monopoly is that there's no alternative to their bad products. The remedies that have been suggested will not substantially alter Microsoft's capability to stifle competition.

I would advocate:

1. All Microsoft file formats must be published and made widely available. Changes will require agreement from the courts.

2. A portion of Microsoft's revenue stream will be diverted to fund the development of alternative products that can use Microsoft file formats.

John Faughnan
1661 Wellesley Avenue
Saint Paul, MN 55105–2007
651–699–0920
jfaughnan@mindspring.com
I am a US citizen.

MTC–00019920

From: Will Dennis
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

Dear Sirs:

Please register my opposition to the Proposed Final Judgment (PFJ) in United States vs. Microsoft. I believe that the PFJ in its current form is not strong enough to prevent Microsoft from still dominating the computer software and operating system business by anti-competitive business practices. We need a strong Final Judgment which causes Microsoft to compete fairly in an open marketplace where the best software (most stable, secure and featureful at a given price point) wins on merit.

Problems with the current PFJ include:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product — but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors

from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents (which are arguably a document interchange standard today.)

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft (Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows, and Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.)

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft (Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.)

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism.

Microsoft needs to be restrained from continuing its'' anti-competitive practices it enjoys via its abuse of its'' monopoly position in the current marketplace. A stronger Proposed Final Judgment needs to be crafted to guard against Microsoft taking advantage of the weaknesses in the PFJ, and continuing ''business as usual.'' Let Microsoft compete on a level playing field that would be established with a strong but fair Final Judgment, and let the free market decide their market share without Microsoft's ''hand on the scale.''

Thank you,
Willard D. Dennis
209 Wiest School Road
Reading, PA 19606

MTC–00019921

From: Tom Brown
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I STRONGLY object to the Proposed Final Judgment in the Microsoft Antitrust case. Mr. Gates and his attorneys must be deliriously happy with the current PFJ.

I urge you to SERIOUSLY CONSIDER revising the PFJ to provide additional protection to American and worldwide users and businesses in this case. Users, both corporate and individual, of Microsoft products must have their freedom of choice protected. They must realistically be able to choose between products from Microsoft and other vendors and be reasonably certain that products they choose will run without artificial impediments placed in their path by Microsoft. Competing vendors, as well, must be protected against such artificial impediments to their software running under various incarnations of Windows operating systems or Windows environments on other operating systems. Each product should be able to stand on it's own without having Microsoft's artificial barriers in it's way. The manufacturer of any operating system should be required to publish the specifications to all of it's interfaces so that other software can be written to adhere to those specifications and successfully operate under control of that operating system.

Please consider that the American Legal System is our only defense against Microsoft's goal of total control of the computer marketplace by whatever means. Do NOT abandon your duty to the American publicand to the rest of the world as well, since Microsoft is an American company.

Sincerely,
Tom Brown
thombrown@san.rr.com

MTC–00019922

From: Damien Sorresso
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I am writing you, the United States Department of Justice, to express my extreme dissatisfaction at the ''settlement'' that the Department of Justice has reached with Microsoft. I feel that, as a registered voter and American, my voice should be heard. I have sent this E-mail before to you, the Department of Justice, and I send it again (albeit revised) for emphasis on how I feel about this subject.

Microsoft was ruled to be an illegal monopoly. It's settlement with the Department of Justice does not take even the smallest amount of what are, in my opinion, requisite actions against Microsoft to ensure that it does not tighten its stranglehold of the computing industry. The new settlement, unlike the one proposed by Judge Jackson, does not require Microsoft to disclose its API's to third parties anymore. Section J1:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction. Section a allows Microsoft to get around disclosing API's and other information by claiming that its security is threatened. This allows Microsoft to continue its closed, monopolistic way of setting new ''standards'' in the computing industry. This settlement will not change anything at all.

Section b offers Microsoft government protection for its monopolistic acts. It allows for Microsoft's non-disclosure to be enforced by the government. This is totally unacceptable. Microsoft has been ruled a monopoly, and these terms seem more like the government wants to protect Microsoft's monopoly, rather than doing what it should and break it up.

In spite of the fact that it has been ruled a monopoly, Microsoft continues monopolistic and domination-like actions. I shall list some recent actions taken by Microsoft that belie its monopolistic nature:

1: Upon opening the new MSN website, users of the Opera web browser were unable to view the site. Users of Opera were directed to ''upgrade'' to Microsoft's own Internet Explorer web browser to properly view the content. Microsoft, when questioned about the incompatibility, accused Opera of being non-compliant with the XML standard specifications. Opera immediately shot back that they prided their web browser on standards compliancy, and submitted an XML standard test of MSN that showed it to not be compliant with the XML standard specifications, thus identifying MSN as the culprit. Microsoft then fixes the problem so that MSN could be viewed by other browsers. Had Opera not made public MSN's non-compliance to the XML standard, Microsoft's attempt to coerce users of Opera into using Internet Explorer would have gone unnoticed. Microsoft has no shame in continuing it attempts to dominate the internet.

2: Windows XP and the latest version of Internet Explorer do not ship with Java support. Java is one of the key components for the internet, because it works with every operating system that can run a Java Virtual Machine. Why would Microsoft not want to support this standard? Because it is a roadblock in Microsoft's attempts to saturate the internet with Microsoft-only standards and products. Java works with every operating system, and Microsoft is attempting to replace it with a Windows-only standard that would force any desiring to be on the internet to buy a Windows PC, rather than a Macintosh or Linux machine.

3: Microsoft's proposed security procedures are based on ''security through obscurity.'' Microsoft disallows the publication of any security holes than may be found in its operating systems or applications for at least 30 days after the said hole was found. Even then, security companies are only allowed to release very general information that is not helpful to system administrators wishing to develop a temporary work-around for the problem while Microsoft works on a patch that fixes the hole. The fundamental problem with this approach is that it leaves the security hole completely open and unguarded for a period of one month. Microsoft is essentially taking the chance that no rogue hackers will discover the flaw and exploit it in 30 days. After making the public aware of the problem after 30 days, system administrators must

wait for Microsoft to release a patch. The public release of information cannot contain the information required to exploit the security hole, so system administrators cannot test the problem on their own networks, nor can they isolate and deactivate the part of the network that is flawed. For most companies, this means an indeterminate time of over one month in which their network is vulnerable if it is running Microsoft software as its backbone. Taking the network offline is simply not an option in today's e-commerce-based industry. Microsoft is willing to take the risk that no one else will discover the security whole within at least 30 days and figure out how to exploit it while system administrators sit helplessly, devoid of the requisite knowledge to protect against a security breach. This is not Microsoft's chance to take. They want this new ''security'' method because it involves the least disclosure of how the Windows OS works.

Of course, many may say that the alternative is to simply use Linux or UNIX in place of Microsoft's software. However, Microsoft already has enough of a presence in business networks that a transition to Linux would cost a great deal in the short-term in the purchase of new servers and the training or hiring of certified and UNIX-knowledgeable network administrators to replace

MCSE-certified ones. While a large company like IBM can (and has) make this transition without worrying about cost in the short term, the large number of startup companies that have sprung up that are using Microsoft's products do not have this option due to lack of revenue and sales. They must use the money they have to maintain their existing network and pay Microsoft outrageous licensing fees.

4: Microsoft is now beginning to try and extend its influence and power to every aspect of the technology market. The recent release of the X-Box to the game console market, coupled with the development of Windows Media Video and the desired presence of the Windows Media Audio format on copy-protected Compact Discs, should be enough to show that Microsoft is not satisfied with mere domination of the computer operating system market. Microsoft has made certain that the Windows Media formats work acceptably only on Windows machines. Windows Media Player for the Mac OS is slow and virtually useless, and there is no Linux version. What point would there be in using valuable resources on writing video and audio programs and codecs that don't work well on any other platform? To extend their influence into all areas of the internet. Microsoft wants to make sure that, in order to experience the internet, one must have Windows on his or her machine. Java, a multi-platform technology, is a part of the internet, and they would like to supplant that. QuickTime and Real Media, both multi-platform video formats, are integral parts of internet media that Microsoft wants to replace with the single-platform Windows Media. Apache, a multi-platform web server, they wish to replace with IIS, which only runs on Windows. If Microsoft were truly only interested in innovating and making a better product, these technologies would not be single-platform. They wish to impose their closed-standard and secretive approach on any technology market that they can.

5: Microsoft continues to write new ''standards'' for the computing industry that conveniently only work with its operating systems, instead of embracing real standards. Real standards are written by committees which openly-publish their work so that anyone can use it. The Motion Picture Experts Group (MPEG) writes the MPEG standard for the industry, and any wishing to comply with this standard can obtain a license and make it work with any operating system or media player. Microsoft's standards are not available to the public, and they can only be used by Microsoft products. Instead of the open Apache web server, they use their proprietary Internet Information Services product. It is impossible to set up a terminal server on a Windows machine without purchasing an add-on package that uses a closed standard instead of telnet or ssh. All Linux distributions and Mac OS X come with built-in support for these open and accepted standards.

Microsoft is a monopoly and should receive harsher penalties, such as a break-up or forced-disclosure of the source code for Windows. Private organizations should not be able to bully the government into protecting their monopolies and have the government passively approve of such bullying tactics against other companies that offer even the smallest bit of competition.

Please know I desire harsher penalties for Microsoft, and I support any reasonable action taken in seeking these penalties.

Damien Sorresso

MTC–00019923

From: Scott Busby
To: Microsoft ATR
Date: 1/23/02 11:07pm
Subject: Microsoft Settlement

I believe the proposed settlement with microsoft is a bad idea. As a professional in the computer field, I have seen firsthand how Microsofts monopolistic business practices have stifled the computer software industry.

I believe that a much more strict ruling is necessary to prevent further abuses from Microsoft. Scott Busby 1472 Garcia Drive San Luis Obispo, CA 93405

MTC–00019924

From: Richard
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: Microsoft Settlement

Although I am not an American citizen, I am disturbed by your proposed settlement with Microsoft. I believe it would aid the extension of their monopoly into even more arenas rather than contain it, and that this will adversely affect competition in several fields, not to mention all people that use computers or the internet. What happened to the evidence you had? Did your computers all crash? (Sorry, I couldn't resist.)

Richard Hasan

Take out the MAPS

MTC–00019925

From: Clarissa Eastham
To: Microsoft ATR
Date: 1/23/02 11:47pm
Subject: Microsoft Settlement

Please end the Microsoft case!

I worked for a competitor to Microsoft for many years and I still think the case was completely inappropriate. Note that:

* Microsoft has already agreed to hide its Internet Explorer icon from the desktop.

* Microsoft has been critical to the growth of the High Tech industry and this case is terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen

The case against Microsoft is just ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user Please close the case and let Microsoft continue their work and let the Justice Department focus on more important issues like prosecuting terrorists and investigating Enron.

Thank you for your consideration!

Clarissa Eastham
Software Engineering Manager
2054 Lockhart Gulch Rd.
Scotts Valley, CA 95066
CC:aoctp@aoctp.org@inetgw

MTC–00019926

From: apathy7@blackened.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47pm
Subject: Microsoft Settlement

The Settlement is a BAD idea and will help nothing.

Please do not let it go forward!

MTC–00019927

From: pequod@salisbury.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: Microsoft settlement

I don't agree to the proposed settlement of Microsoft Corporation business practices. Vehemently so.

Microsoft Corporation, like an unruly child, must be punished for its actions were fully pre-meditated and planned. To leave Microsoft Corporation without having suffered proper discipline leaves them, again like an unruly child, without any form of censor or control upon further actions in the same vein. Common sense dictates not a draconian but a just discipline so that Microsoft Corporation will learn the error of its ways. Further justice will have been served, the people will have been served and computerization will be allowed to advance freely in an open marketplace to the benefit of us all.

Cordially,
Eugene Bartley
524 Idlewood Drive
Salisbury, NC 28144
704 797–9367

MTC–00019928

From: David Bushnell
To: Microsoft ATR
Date: 1/23/02 11:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

The US Department of Justice's proposed settlement in the Microsoft anti-trust case does not adequately address the illegal

practices which Microsoft has been found guilty of. It does not punish past violations. It does little to prevent reoccurrence of Microsoft's past patterns of illegal behavior. It does not provide for effective enforcement of decisions preventing future violations. It excludes not-for-profit organizations from some of its remedies. And it does not provide any effective encouragement of competition in the markets for operating system and applications software. I am therefore opposed to the agreement as it now stands and believe that an effective remedy would require additional elements, as described below.

(1) Any solution should be available to both for-profit and not- for-profit organizations or groups. For example, SAMBA is a piece of software that is widely used to share files between Microsoft Windows and other operating systems, such as UNIX.

Its existence is completely dependent on knowledge of the Microsoft's APIs and protocols. But it has not been developed by a for-profit business—it is freely available to anyone using the Internet. If the final solution in this case applies only to for-profit businesses, SAMBA's continued existence would be in jeopardy. The same situation applies to most other not-for-profit software.

(2) Any solution should apply not just to illegal behavior with regard to existing products and categories of products, but to future ones as well. For example, an effective remedy should prevent Microsoft from extending its past illegal behavior to new products such as its ''.NET'' proposal for Internet services.

(3) All APIs, file formats, and communication mechanisms (for example, network protocols) should be made public in ways and times that allow other companies or not-for-profit groups to effectively compete.

(4) The information made available in (3) above must include information about authorization and authentication APIs and protocols. Any Microsoft product involving the Internet will require outside programs to identify themselves as valid users of the system. Those programs will not be able to do this if they do not have access to the appropriate security APIs. (Since this disclosure requirement refers to the APIs and protocols, not their implementations, it preserves the ability to compete without sacrificing security requirements.)

(5) Competitors'' use of published APIs, file formats, communication protocols must not be restricted by patents, copyrights, trade secrets, etc.

(6) Any solution should allow effective enforcement in a timely manner. In particular, it will be completely ineffective if disagreements between Microsoft and the proposed ''Technical Committee'' must be resolved by court cases similar to this one. Microsoft's illegal behavior will not be prevented by court cases that last for years and are only resolved after the competitors involved have been marginalized or driven out of business.

David Bushnell
bushnell@rahul.net

MTC–00019929

From: Ryan M
To: Microsoft ATR
Date: 1/23/02 11:45pm
Subject: Microsoft Settlement

Please stop this.

The proposed settlement is a BAD idea.

The reasons why have been clearly stated.

The PFJ is MISLEADING, NOT PRECISE, and does not take windows-compatible competing operating systems in to account.

Please do NOT let this happen,

RMansager,

MTC–00019930

From: Chris Hansen
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

Chris Hansen
tchansen@xmission.com

MTC–00019931

From: Kevinburg@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: No Subject

V. Termination

A. Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court.

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

5 years? Be realistic, 10 years and if the terms of the agreement are in any way violated, the penalty is automatic, break up Microsoft. And while you're at it take a serious look at AOL/Time Warner and their business practices.

Kevin Burgjohann

MTC–00019932

From: msmclaug@midway.
uchicago.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

The proposed Microsoft antitrust case settlement does little to remedy Microsoft's continuing abuses of monopoly power, and what remedies it does have are specific in scope and have several loopholes. Its enforcement mechanism is also quite weak, giving Microsoft a strong say in the makeup of its own watchdog body. In addition to inadequetly addressing past abuses, the settlement does little to prevent current or future abuses. The software industry is a rapidly changing environment, and new software and strategies such as Windows XP and .NET do now or seem likely to in the future employ practices abusing Microsoft's monopoly which are not covered in the terms of the proposed settlement. The settlement as it is would constitute a small slap on the wrist, and some curbs on illegal practices, leaving Microsoft free to continue its illegal pattern of behavior in other areas of business, while it can use loopholes and lax enforcement to continue doing what it has done in the past to a large extent.

I strongly reccomend that the proposed settlement be rejected.

Sincerely,
Mike McLaughlin
1067 Plowshare Rd.
Blue Bell, PA 19422

MTC–00019933

From: Jamie Marx
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00019934

From: raceware
To: Microsoft ATR
Date: 1/23/02 11:51pm
Subject: Microsoft Settlement

What a travesty of justice! Microsoft is caught red-handed using monopolistic strong-arm tactics to eliminate any competition and the DOJ let's them off without even a slap on the wrist. You people should be ashamed to walk the streets in daylight... Hell MS has admitted to dumping the Win2000 O/S into the marketplace with 63,000 KNOWN BUGS, i.e., software defects, as in ''ONLY'' 10,000 of these BUGS are known to cause system crashes and loss of data !

HELLLLLLLLLOOOOOOOO is anybody home at the DOJ and FTC ???? Do you need a 2 x 4 along side your head to understand the cost to all consumers when you let MS use Mafia tactics to eliminate competition. Time to get a conscience and a grip on reality folks because the people you're pissin'' off are the people who vote at election time. Know what that means???

Kind regards,
Randy Hubbard
Race-Tech Engineering, Inc.

MTC–00019935

From: Jennifer S. Bohmbach
To: Microsoft ATR
Date: 1/23/02 11:51pm
Subject: Microsoft Judgement

To whom it may concern:

I am writing regarding my concern that the current Microsoft settlement is ineffective against a corporation that has been abusive of its monopolistic power. This settlement does not do enough to encourage Microsoft to change behavior and it does in fact show the company that there are virtually no consequences to the many wrongs they have been found guilty of.

The Proposed Final Judgment allows many exclusionary practices to continue. I see no reason this will discourage this company from contiuing in these practices. If there is no consequence for a company with this much power, behavior will not change. Also, no direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. This is not allowed in other industries across this great country, why should Microsoft be immune? America is about competition.

Jennifer S. Bohmbach
Concerned Internet Professional and Citizen

3913 15th Avenue South
Minneapolis, MN 55407
Language is a virus...Visualize IT!

MTC–00019936

From: Jon Loveall
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I truly believe that the settlement talked about in the Microsoft vs. Department of Justice case will not only fail to achieve the goal for which this case began (namely the introduction of competition into a market where Microsoft has sucessfully extinguished any competitor through the use of its monopoly power). The settlement agreed to and posted for United States citizens to view is severly lacking in ability to complete the task for which it was created. After reading the document it would appear as though not only has the Department of Justice failed to apply any relavent changes to Microsoft's behavior, but through the wording it seems as though the US government will legalize Microsoft's behavior allowing them to legaly monopolize the computing industry where as before they were doing it illegaly. This settlement should not stand, simply dropping the case would be more benificial to the industry than agreeing to this settlement. Please don't settle with this, continue on in your case. Infomation Technology workers like myself are willing to wait to see fairness in this industry put into place. Thank You.

Jonathan Loveall

MTC–00019937

From: Brian Craft
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Brian Craft
Registered Linux User # 210286
Linux Registered machine: 97873
Yahoo Instant Messenger ID: bcraft67
ICQ id: 129672292
Linux.....the OS of Choice!

MTC–00019938

From: Rebecca Ward
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement.

Regards,
Rebecca Ward,
Belmont, CA

MTC–00019939

From: Lindsay Pallickal
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

I am strongly against the current proposed settlement for this case. There are good ideas in the settlement, particularly the requirment for Microsoft to open up their standards to the world—but in other parts, as most people full well know, there are loopholes that would make it trivial for them to avoid doing this. Below are my thoughts on what needs to be done.

As earlier judgements have shown, Microsoft has had a history of bullying out competitors with nasty business practices and when that fails, playing dirty with software compatibility. An few examples are the open Kerberos specification Microsoft recently picked up, the unix Samba service and Caldera's Dr. DOS. Dr. DOS took a thorough assault from intentional incompatiblities Microsoft introduced into Windows 3.1 and Samba is a major unix<->windows interoperatbility tool that is finding it increasing difficult to keep up with changing secret Microsoft specifications. It is clear that Microsoft is taking full advantage of the monopoly position the proprietary Windows system has to extend it's way into new marketplaces and lock users into Microsoft products. Their primary tool to do this is secret standards that prevent other sources from creating products that are compatible with Windows. What I propose is an *enforceable*— *enforceable* -*enforceable* penalty that forces Microsoft to open up the internals of it's operating system. Not the source code, but information on how the different parts of Windows communicates internally and the protocols with which Windows machines communicate across networks. Microsoft should also make it possible for independant developers to communicate with Windows in the same way Microsoft's own code does. This would prevent any more casualties in what many call Microsoft's ''embrace and extend'' war and would offer the benefit of new competition by destroying the unbearable artificials costs of entry and survival in this market that Microsoft has kept off-limits through incompatibility. They should have to produce this information in a timely manner—say one month for existing specifications and also provide advanced release of new specifications before a Microsoft product update. This way, when they do make changes to try and subvert a competitor's product, that competitor will be able to update and remain compatible. This is key to any effective judgement, especially the enforceablity part!

Sincerly,
Lindsay K. Pallickal

MTC–00019940

From: S. Cooper
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

The settlement is absurd! Microsoft has engaged in practices that should make even the stauchest laissez-faire economist cringe! Microsoft has ruined the competitiveness of the computer sotfware market, adn hardware is not far behind. Microsoft needs to be punished a lot more for what it did! Harsher settlement please!!

—S. Cooper

MTC–00019941

From: Mark Reuter
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Mark S. Reuter
3531 Madera Place
Oxnard, CA 93033
mark.reuter@verizon.net

MTC–00019942

From: Eric Heins
To: Microsoft ATR
Date: 1/23/02 11:54pm

Subject: Microsoft Settlement
I support the Microsoft Settlement.
Eric Heins
Austin, TX

MTC–00019943

From: Josh Mayers
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Honorable Renata B. Hesse:

The proposed final judgement is extremely flawed, and does not sufficiently address Microsoft's illegal an monopolistic behavior. Many people assuredly have written to you about this same issue; I'll not repeat their arguments, as I agree with those available online at http://www.kegel.com/remedy/letter.html and http://www.kegel.com/remedy/remedy2.html.

The proposed settlement is insufficient to prevent Microsoft from putting other companies unfairly out of business and further violating antitrust laws. Please reconsider the proposal, to include full release of API documentation to ISVs, prohibition of more practices against OEMs and ISVs, and prohibitions against monopolistic actions against end users (''desktops''). Again in this area, I agree with the full document online at http://www.kegel.com/remedy/remedy2.html#fix.

Thank you for your time and consideration.

Josh Mayers

MTC–00019944

From: John S. J. Anderson
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. While I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), I choose to focus on only a specific problem, and to present my objections in my own words.

My primary objection with the proposed settlement is that, despite the finding that Microsoft had engaged in monopolistic practices, the proposed settlement offers no relief to those affected—either other corporations or individual consumers. Additionally, in my professional opinion, the proposed settlement contains no measures that would provide a realistic deterrent against Microsoft engaging in the same sorts of anti-competitive, monopolistic behavior in the future. Indeed, I believe that several features in their new ''Windows XP'' operating system are designed with specific anti-competitive goals in mind.

Thank you for your attention.
Respectfully,
John S J Anderson, Ph. D.
Editor, genehack weblog (genehack.org)
Linux Systems Administrator, NCBI/NLM/NIH

MTC–00019945

From: 3-Dream Imaging
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

Microsoft has continually and relentlessly squelched competition. No one company should ever be allowed to become that large.

Ted Maynard
Milford, Connecticut

MTC–00019946

From: R.W. Sanders
To: Microsoft ATR
Date: 1/20/23 11:12pm
Subject: Microsoft Settlement Force MS to release Competing OS Apps before their Own Outllok 2001 is require for Macs to coexist w/ PC's in company that base their communication on Exchange Server.

The current version of Outlook 2001 for Mac OS 9 is buggy. Apple is attempting to transition customers to OS X. By delaying or canceling the release of an OS X native version of Mac Exchange client, MS serves a blow against the adoption of Apple's Mac OS X (Unix) operating system.

Here is yet another way MS jerks around the competition... http://www.thinksecret.com/features/outlookx.html Mac OS X-compatible release of Microsoft Outlook unlikely By Nick dePlume, Publisher and Editor in Chief The release of Mac Outlook 2001 last year was a milestone for both Apple and Microsoft, bringing the Mac version of the corporate messaging/PIM application up to par and improving Apple's push in business environments using Exchange servers.

Last July, as the company was rushing to carbonize Office for Mac, Think Secret learned from Microsoft insiders that an OS X-native release of Outlook was very unlikely, largely because of the amount of time and resources it would require. A source on the show floor of Macworld Expo/San Francisco earlier this month confirmed those reports, saying that the company will rely on the Entourage component of Office to satisfy the corporate email gap, even though Entourage cannot work as an Exchange client like Outlook.

The initial release of Outlook 2001 included full compatibility with Exchange servers and a Mac-like interface.

MTC–00019947

From: David Acklam
To: Microsoft ATR
Date: 1/23/02 11:55pm
Subject: Microsoft Settlement

The ''proposed settlement'' does little to nothing to correct Microsoft's ability to abuse their monopoly position, specifically their desktop operating system and productivity software monopoly. It does not prevent them from running competitors out of business by bundling software into the OS, or (more importantly) do anything to encourage competition. Microsoft's product quality is, to put it mildly, abysmal—and without serious competition in many areas, there is no motivation for them to improve. Even in areas where they lack market dominance (such as large network servers), they are able to leverage monopoly power from other areas and achieve similar effects as if they were dominant in these areas too. As for counter-arguments, the most common one is that ''Microsoft's monopoly is good for consumers because it gives them product compatibility''. The largest flaws in this argument are that product compatibility can easily be achieved *by* competition (just look at the PC hardware industry, which has maintained compatibilty without monopoly meddling), and that Microsoft does not use their power to provide compatibility, but rather harms consumers through planned incompatibility (by breaking older software to force upgrades).

Whatever Judge Jackson's actions, his initial remedy fit much better—at the very least, the ''settlement'' should follow the lines of what the 9 non-settling states are proposing! That at least has a chance!

MTC–00019948

From: James Morris
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

As a consumer, I have been opposed to the case brought against Microsoft from the beginning. The case has not been about what's best for consumers, but how companies that failed completely to innovate and meet consumer demands can now make money off Microsoft's absolute success.

The Proposed Settlement in this case reaches far beyond any limits that should be placed on Microsoft (and by proxy all innovative and competitive companies). Given that it's unlikely for the government to seek dismissal of the complaint and apologize to the American consumers and tax payers for wasting our money in this pursuit, I feel that I must voice my support for the Proposed Settlement as it at least limits the further harm that comes to me as a consumer.

-James Morris

MTC–00019949

From: Mitchell Tasman
To: Microsoft ATR
Date: 1/23/02 11:57pm
Subject: Microsoft Settlement
Dear Sir or Madam:

I am submitting this e-mail in response to your solicitation of public comment on the proposed settlement with Microsoft.

I believe that the settlement, as currently drafted, is wholly inadequate, and would not serve the public interest.

Given Microsoft's position as a monopoly provider of operating systems, it is critical that all external communications protocols be documented, and available for implementation in any competing operating system, INCLUDING especially ''freely licensed'' software such as Linux or FreeBSD.

One way that Microsoft maintains its monopoly is by tieing its product suite together via proprietary external communications protocols. For example, a

Microsoft desktop operating system may only work, or only work well, when communicating with a Microsoft server operating system, and vice-versa. A Microsoft web browser may only work, or only work well, when communicating with a Microsoft web server.

A Microsoft mail client may only work well when communicating with a Microsoft mail server. And further, Microsoft might choose to withold components such as a web browser or a mail client from competing (e.g., freely licensed) operating systems. If the external communications protocols remain proprietary, then it is impossible, or at best impractical, for third parties to create compatible applications that run on competing operating systems.

I believe that any settlement must include the following two protections:

1. Microsoft must document any and all external communications protocols, including those between client and server operating systems, and also those between client and server applications, and make this documentation publicly available.

2. Microsoft must allow these protocols to be implemented by third parties, without threat of litigation or assertion of intellectual property rights. Without these protections, it will be impossible for freely licensed operating systems such as Linux and FreeBSD (or anyone else) to have a chance of competing with the Microsoft monopoly. I would suggest a third protection as a means to ensure ongoing compliance:

3. Microsoft or a third-party must create a reference implementation based on the documented communications protocols, and make the resulting source code freely and publicly available. If this reference implementation is shown to be incompatible with the documented communications protocols, Microsoft shall be required to either: a. identify the programming errors in the reference implementation that are causing the incompatibility. b. OR if the documentation is in error, Microsoft must publish corrected documentation.

This compliance process would iterate, until it was eventually shown possible to create a third-party implementation that interoperates with the monopoly Microsoft products. Of course, the documentation, and thence the reference implementation, would need to be updated as Microsoft releases new products, and new versions of existing products.

Thank you for taking the time to read my comments.

Sincerely,

Mitchell Tasman, Ph.D.

MTC–00019950

From: Garrett McWilliams
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

U.S. Department of Justice, Antitrust Division:

I appreciate the opportunity to comment on the proposed settlement of the Microsoft antitrust case. There are several reasons why I do not support the proposal:

Firstly, the punishment is inadequate. By not pursuing a modification of the corporate structure, and by leaving gaping loopholes in the requirements for opening the Windows API, the Department of Justice effectively slaps Microsoft's wrist. Because of Microsoft's position in our society as the monopoly provider of the basis for most of our personal and business computing, it is gravely important that they not be considered above the anti-trust laws or deserving of softened treatment. The situation we find ourselves in now is almost exactly why these laws were enacted, the only difference being the industries in question. It has been proven that Microsoft has intentionally broken some of the laws that regulate our capitalist system. These laws exist for important reasons, and their power, as a deterrent if nothing else, is undermined by this proposed settlement.

Secondly, the expectation of Microsoft to practice good-faith self-restraint is unreasonable. They have been found guilty of breaking the law, and, referring back to my first statement, are being shown that the penalties for such actions are mild. Would it really be reasonable to expect their behavior to change under such circumstances? It is clear from the features of the newly released operating system, Windows XP, and the .NET initiative, that this expectation is in fact not reasonable. I hope that the Department of Justice will reconsider the proposed settlement in light of these points, and the many objections raised by others. Effective changes would include changing the API disclosure requirements so as not to allow Microsoft to discriminate against Open Source developers, closing loopholes in the interoperability requirements, and requiring divestiture of technology developed as a result of past illegal monopolistic business practices. It would be a shame for Microsoft's wealth and power to enable it to escape appropriate punishment for its misbehavior and an effective deterrent for future illegal actions.

Sincerely,

James Garrett McWilliams,

College Park, MD;

Electrical Engineer

MTC–00019951

From: Gerald Hartig
To: Microsoft ATR
Date: 1/23/02 11:55pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It gives the monopoly of Microsoft free reign to continue to do whatever it wants through (now) governmentally sanctioned anti-competitive behaviour.

The settlment needs to go far further to disrupt and control the Microsoft monopoly. The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

It should not be adopted without substantial revision to address these problems.

John Campbell

MTC–00019952

From: chris cobb
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

DOJ:

The proposed settlement between Microsoft and the Government clearly demonstrates what Microsoft says behind your backs and justifies the pompous attitudes of it's executives.

Namely, that the people at Microsoft are dramatically smarter and more capable than the government and you in particular. However it has happened (the behind the scenes details are probably a joke), the Government has proposed/accepted/been-duped into a pathetic excuse for an agreement which will do nothing to either punish or prevent the actions that got Microsoft this far and destroyed so many of it's competitors. Microsoft has gotten everything they wanted and you have swallowed it whole. If this settlement goes through then you deserve Microsoft's ridicule. In it's present form, this settlement is a *LONG* way from accomplishing anything useful towards improving the computer industry. Some problems with this settlement (which I feel almost ashamed to point out because you should know them and this ''settlement'' should not even exist) are that:

1) There is no significant punishment to MS for their past actions.

2) The loopholes and various qualifying sections of the settlement are *huge* and have been specifically crafted by MS to ultimately nullify any controls you think you will have on their future business.

3) There are no terms in the settlement which will significantly help those who are trying to compete with MS and break their hold on the market. I could go on and on, but there are numerous other articles written with sound advice on the problems I have mentioned and ways to correct them. I/We are only hoping that you read them and do the right thing instead of allowing this joke of a settlement to become fixed into history. To do so would reduce the sum total of your contribution to this country, the companies who so injuriously were harmed by Microsoft, and the people who spent years of their lives bringing the case to this level.

Basically, I ask that you care and do the right thing: Reject this settlement, dismiss the people who brought it about, forget about settling (Microsoft will NEVER settle this with any terms that truely hurt them), and take it to a decision of the court.

Chris Cobb
US Citizen/Computer Engineer
121 S. Swall Dr, #105
Los Angeles, CA 90048

MTC–00019953

From: Scott Moffet
To: Microsoft ATR
Date: 1/23/02 11:58pm
Subject: Microsoft Settlement

I think the settlement is a very bad idea.

MTC–00019954

From: Heather and Erik Anderson
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

To Whom it May Concern:

Please keep in mind with respect to Microsoft's Windows operating systems that we are really not talking about an ''operating system'' anymore. Windows has become an application bundle. Time and time again Microsoft has incorporated applications into Windows to edge out or crush their competition. An operating system is designed to operate your computer, i.e. to let the peripherals communicate with the CPU to perform desired tasks. It does not consist of a media player, a web browser, an e-mail client, an instant messaging application, etc. Those services are applications. Currently, what is stopping Microsoft from incorporating Word, Excel, and Powerpoint into Windows and simply calling those applications ''new features?''

Any settlement which allows Microsoft to increase their market share or not hinder their ability to bundle applications in to Windows will ultimately hurt many businesses which make fine software that complements Windows. And when business loses, the economy and the consumer lose too.

I am not asking that Microsoft be destroyed, just that they operate on a level playing field.

Erik Anderson

MTC–00019955

From: Solid Force
To: Microsoft ATR
Date: 1/23/02 11:59pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00019956

From: Charles Colombo
To: Microsoft ATR
Date: 1/23/02 11:58pm
Subject: Microsoft Settlement

Microsoft must NOT be let off easy. While I don't see any reason to break up the company, I do think what the nine dissenting states are trying to do will at least compel Microsoft to work out more meaningful measures to insure fairness. There must be constant pressure on Microsoft in order to impress upon the company that they will not be able to engage in anti-competitive practices with impunity. But

THESE larger issues with companies like Microsoft must be addressed as well:

1) End User License Agreements must come into line with the 21st Century—make that the 20th Century. The prospect that private individuals do not own the software they pay for is outrageous. The telephone companies were reigned in long ago over the issue of private individuals installing their own multiple phone extensions in their own homes. It should be the same for software: The license should go to the user, not the machine. Likewise, businesses should purchase the a number of licenses equal to the number of people who use the software.

2) ANY software company that sells to the public should be required by law to a) sell a product that WORKS the way it is intended and continue to support it until it can be said to be ''complete'', and b) continue to make the product available for as long as anyone wants to use it OR sell the code to another party who will continue to make it available OR release the code to the public. Software is a set of instructions geared to a paticular generation of machines and should therefore be at least as maintainable as the machines themselves.

The nature of technological change in the present day is beyond the ability of a governing body to keep up with, UNLESS we can draw decisive parallels with other, past arrangements.

MTC–00019957

From: Mark D. Leighty
To: Microsoft ATR
Date: 1/23/02 11:59pm
Subject: Microsoft Settlement

Dear Sirs:

Without delving into any discussion of numerous technical points, I would like to voice my opinion on the proposed agreement with Microsoft. I fail to see exactly how the proposed final judgment is a punishment or how it will keep the company from acting as it has in the past. I truly believe that Microsoft will walk away with not even a slap on the wrist. I continue to cheer for the states that have rejected the proposed settlement and are pursuing further legal action against this company that has repeatedly broken the law.

Sincerely,
Mark D. Leighty

MTC–00019958

From: Frederick Heald
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

Hello,

As part of the public comment period on the Microsoft settlement, may I add my thoughts:

—I use both Macintosh and Windows software. I love using the Macintosh, I loathe using Windows. Windows has succeeded with poor or downright awful products, due to its anticompetitive practices. The situation with Explorer and Netscape is the tip of the iceberg.

—The proposed settlement is entirely inappropriate; as in attempting to punish Microsoft's monopoly power it promotes more monopoly power in one area in which Microsoft currently lags, education.

—Microsoft should be forced to pay a settlement in cash. This could be used any way the justice dept or administrating agency sees fit EXCEPT TO PURCHASE MICROSOFT PRODUCTS!!!

—I believe Microsoft should be split up, at the very least to an operating systems division and an applications division; and that any communications between the two divisions should be open to public scrutiny. Finally,

—Microsoft deserves to be punished for stealing the Macintosh operating system look and feel, nearly outright, from Apple. This may never happen but it's a glaring example of the massive product theft and anticompetitive practices of Microsoft.

Thanks for your efforts to remedy this situation.

MTC–00019959

From: Alistair Helfer
To: Microsoft ATR
Date: 1/24/02 12:00am
Subject: Microsoft Settlement

Hello,

I would just like to put in my 2 cents to this settlement idea. I am deeply opposed to this as this settlement seems to be a compromise of justice. Microsoft's business practices have already proven to be damaging to AT LEAST one business, ie., Netscape, but also threaten to reduce a fledgling industry to nothing.

By bundling applications into their operating system and not releasing documentation for their API's to the software development community, they make it impossible for application software companies to develop products for their platform. The result of this is that Microsoft can be the sole provider and charge whatever they wish for their services, most of which they appropriated from other software vendors as well as the open source community (Their TCP/IP stack was taken from the FreeBSD operating system). This not only stifles competition in the applications market, but innovation as well.

Best regards,
Alistair Helfer

MTC–00019960

From: Nuitari
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

I really disagree with the term of the proposed Settlement in the Doj vs Microsoft case as they mostly will help Microsoft boost and maintain it's current predatory tactics by locking everyone out of their API pretending security or DRM issues. Microsoft should be forced to publish all of their APIs interface to even out the application market.

Don't forget that by repeatedly buying out competitors and stealing other's technology, Microsoft did not innovate anything that occured in the computer world. It even delibirately sunk many innovatives attemps made by other companies. Just an example their buyout of UltraCorps. The game was immediately made Internet Explorer only (though it worked very well with Netscape) and soon after they just close it down.

You can find many other exemples by consulting this website: http://www.vcnet.com/bms I would greatly appreciate it if the settlement is refused and thougher sanctions and penalties are administered to Microsoft.

Regards,
Stephane Bakhos

MTC–00019961

From: Sidney Hatchl
To: Microsoft ATR
Date: 1/24/02 12:00am
Subject: Microsoft Settlement

This unjustified attack on Microsoft was the catalyst that brought on the collapse of the dot come. It is indeed ironic that the stock of many of the enemies of Microsoft was hurt worse than that of Microsoft.

There is much to hate about Windows, but its function as a de-facto standard has made possible the remarkable growth in both hardware and software. Netscape and Sun

were the people who tried to win by giving stuff away. They complain that Microsoft overcharges the customer, but that the prices are so low that they unfairly hurt the competition.

How can the expect to have it both ways.

Sidney Hatchl
2340 North Fairmont Avenue
Santa Ana, CA 92706
shatchl@adelphia.net
714 836 6830

MTC–00019962

From: Luke Norris
To: Microsoft ATR
Date: 1/24/02 12:02am
Subject: Microsoft Settlement

Microsoft is doing nothing short of shaping the new generation to here plan.

Please STOP THIS>>. . . .

MTC–00019965

From: gkoch@tampabay.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

I would like to send a short note on my disappointment in the settlement with microsoft. I don't use their products any more and could care less what happens to them as a company. But I still have customers who do still use their operating systems and other products. What I see with every next generation of the operating system is less control by the user.

One of the problems is you no longer can choose which programs you want to run on your computer. They all run by default and there is no way to turn them off without intimate knowledge of the operating system. mainly I'm talking about internet explorer and outlook express. You can install your own browser and email program but internet explorer and outlook are linked to all of the operating system help files and file browser and such so you are forced to use it. It will reset itself as the default browser as well.

Another problem is the ''standards'' microsoft sets for file types. This includes documents, music and video files, and other types of files. Microsoft proposes these as the standard yet they don't release key information on their format so others and read them easily. I have been using linux with various word processors for 5 years and everytime someone reverse engineers the format of the .doc file, microsoft changes it in the next version of word. With the install base of word at offices, users are forced to also use the latest version of word at home if they take work home with them. They can't use another word processor or even an older version of word.

Finally, I am worried microsoft is trying to take over the internet. I realize it would be hard for them to own it. But they have taken steps to use they power and influence to set standards for the Internet. Standards that would favor their products and exclude others. They took Java and transformed it into J++ which became windows specific. Then invented active-x which is not only windows specific but internet explorer specific. Their web page creation software, front page, produces code which is specific to IE and windows. And lately they have tried to block all browsers except IE from their microsoft.net and msn.net domains. That kept me from downloading security updates to IE for my customers who are on slow connections. I use opera which is a standards compliant browser and I also tried mozilla and netscape which are also standards compliant. IE is the least compliant out of the 4 yet their explanation for doing that was that the other browsers weren't up to standards. The Proposed Final Judgment settlement does nothing to stop Microsoft in their subtle and not so subtle attempts to force everyone to use their products and theirs alone. As written, the PFJ allows and encourages significant anticompetitive practices to continue. It would hinder competing products from reaching and surviving in the market place. It would give Microsoft an advantage in the one market where they still do have competition, in the schools. I'm still in favor of splitting them up, anything short of that does nothing to stop them. One more note. I still have hundreds of unused copies of windows 95 because at one time you could not buy a computer without microsoft windows. Those days will return with this settlement.

Thank you for your time.

Greg Koch

MTC–00019966

From: Louis Zirkel III
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

Dear Sirs,

I oppose the proposed settlement of the Microsoft anti-trust trial. I am of the opinion that the current proposed settlement does not do justice those actions which were committed by Microsoft. It also does not justly block their ability to commit similar actions from now on.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Louis D. Zirkel III
Layton, UT 84041
Louis Zirkel III (lzirkel@cendev.com)
Century Development Solutions

MTC–00019967

From: Brian Souder
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Settlement Thoughts

The proposed settlement does not go far enough. I was relieved to hear that the school equipment portion of the settlement was rejected. It was a mockery of the judicial system. In fact, Microsoft is a monopoly, so therefore their products should be EXCLUDED from the equipment purchase list. The money from Microsoft should go into a fund that can be drawn on against a list of specific vendors. IE: Linux, Macintosh, etc. Non-Microsoft related. PC Vendors like Dell, Gateway, HP, and Compaq could have their products purchased with a Linux operating system (ONLY) installed. No Microsoft products may be present at the point of sale. Schools that purchase the equipment must keep the systems as is or upgrade to new versions of Linux. they must also institute Linux training programs for students and teachers. In addition, they need to teach students how to program in the environment to help it expand further. Some of the fund should also be used for the encouragement of Open Source projects in the form of grants and research projects. If they have caused damages, why would you ever reward them with additional sales? That would be like stealing a bunch of cars—I get caught— proven guilty—but you reward me with a car instead of sending me to jail. Any settlement which is passed now is a complete joke. Microsoft knows this applies to Windows 98 only. They are already taking advantage of consumers and vendors with Windows xp. The settlement should be included to have Windows XP, and an other operating system needs to be installed as well. (Red Hat Linux or a derivative) The company really should have been broken into 3 parts. Internet which includes their net products, Internet Explorer, and all online services (Hotmail, and MSN), Applications (like Office, and other programming languages), and finally the core OS which would exclude Internet Explorer as being part of the OS. It could be included on the drive, but not integrated with the operating system. Microsoft is already getting additional funding based on their new pricing strategy for Windows XP. Any monetary loss is going to be passed on to the general public. They should have set pricing for 10 years for all vendors at about $60 per licence, and $99 for the full version for consumers. The upgrade would be $75. FIXED! Why should the consumer—whom Microsoft hurt in the first place—have to pay for their legal problems? Microsoft has been given entirely too much latitude in this case. They are pushing the DOJ and the legal system around. They are using money and political contributions to change the outcome of this settlement. It is obvious to the american public, and all other nations of the world. You are sending the message that it is ok to rip consumers off if you have enough money.

In addition, the settlement should include the open release of all rights to OpenGL which they bought from SGI. Here is another example of Microsoft trying to kill off open source projects. They are trying to force everyone to use direct 3D and the MS platform since it is not available on other platforms.

All Microsoft transactions must be a matter of open discussion from now on. There must be full disclosure of all purchases of assets, investments, and intellectual agreements to the general public for the next 10 years. All transactions must pass the scrutiny of the general public as well as a judge and the SEC.

Microsoft needs to be forced to compete at the OS level again. They need to be forced

to make their product better—not just purchase another company. There need to be strict guideline put in place for the acquisition of other companies.

The entire API must be published, and changes to the API need to be documented for 10 years. Any changes made without prior notice to third party vendors is a violation of the settlement agreement. This would prevent Microsoft from randomly changing the API and not telling anyone but their close vendors about the changes. It would prevent Microsoft from ''Breaking'' other companies products strictly because they did not want to compete or were ahead in technology.

Microsoft must be forced to port office to the Macintosh and Linux platforms for the next 10 years. They must remain parallel with the PC version with release dates within 30 days of the PC version. If the Macintosh and Linux version are not updated, Microsoft must remove all of their Office products from the shelves within 3 days or be fined $500,000 a day until compliance is met. Microsoft uses their office products as a tool to manipulate other companies and platforms. All investments in other companies and/or platforms must be sold off with the proceeds from the sale of stock or ownership shares being contributed to the educational fund outlined in the current settlement. This money would be in addition to the current settlement amount that excludes Microsoft property from being sold.

MTC–00019968

From: Joseph Lubin
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

If feel that the proposed settlement is an embarassment to the DOJ, the government, and the American people. Microsoft is notorious for poor business practices that have harmed many people and companies in the computer industry as well as the American consumer. It will be a travesty if Microsoft manages to buy themselves out of the stern consequences that should obviously follow from the judgement.

Joseph Lubin
advanced solutions group
emagine solutions
55 Broad Street, 21st Floor
New York NY 10004
w 212.709.5910
m 917.887.8303
h 212.255.3066

MTC–00019969

From: David C Young
To: Microsoft ATR
Date: 1/24/02 12:01am
Subject: Microsoft Settlement

To whom it may concern:

I'm writing this to express my disapproval of the proposed settlement in the federal antitrust suit against Microsoft. First, the settlement will allow Microsoft to ''donate'' their products to poorer school districts under licensing terms that will force the districts to pay millions of dollars in fees if they wish to continue using the software after 5 years—in effect, allowing Microsoft to make a profit from this settlement. Second, and more importantly, this settlement will not make any material difference in Microsoft's blatant abuse of its operating system monopoly. It will completely nullify years of work on the part of the Department of Justice's dedicated attourneys, and it will allow one of the greatest threats to our nation's economy to exist unchecked. No government that truly serves the interests of its people could allow such a travesty of justice to occur.

Sincerely,
David Carle Young
3465 Sansom St.
Box 27
Philadelphia, PA 19104

MTC–00019970

From: Drmckinppp@aol.com@inetgw
To: Microsoft ATR,JRWhorse@aol.com@ inetgw,Drmckinppp@a . . .
Date: 1/24/02 12:02am
Subject: usdoj vs Mocrosoft settlement comments
From: Donovan R. McKinney
Donovan McKinney Photography
5531 Wolf Run Drive
Columbus, OH 43230
614–475–8661
drmckinppp@aol.com
to: microsoft.atr@usdoj.gov

Please find below my personal opinion regarding the proposed settlement of the USDOJ vs. Microsoft.

1–23–2002

The proposed settlement to allow as punishment the distribution of Microsoft software is not punishment in any measure. It does not deter Microsoft, but is a reward to Microsoft by increasing its market share. The actual cost to Microsoft is not real money damages. The settlement would damage competitors as it does not remove Microsoft's competitive advantage. A settlement would absolve Microsoft of the responsibility and damage found in a determination by the court. The settlement does nothing to remove the complete and monopolistic control Microsoft has over a resource on which our businesses and government are dependent. The settlement would result in continued and further damage to consumers, small and large businesses and governmental agencies.

As the proposed settlement stands now, only consumers and Microsoft's competitors are damaged. The proposal rewards Microsoft by letting them buy their way out of being a responsible competitor. As with previous cases brought against Microsoft, the outcome is not admissible to future cases because most or all have been settled out of court and out of the public eye. If this happens with this case, the appearance, or view of the courts is that Microsoft has done nothing wrong. While in reality, Microsoft's consistent approach is to take advantage of any and all competitors untill they are absorbed, defeated, or driven out of the market.

For Microsoft, the ''settlement amount'' is only an appearance of cost; the actual cost would be but a fraction of the ''settlement amount''. As with any donation, a business can only deduct the costs of the materials required to produce a product and not the retail price of this product. If Microsoft provides their ''available'' products at ''retail prices'', Microsoft's actual cost would be minimal and loss of actual sales would also be low. If Microsoft provided products at an actual cost basis equal to the proposed settlement, the market would truly be overwhelmed with Microsoft's products further diminishing any competitors chances of earning market share. The proposal increases Microsoft's market share by dumping ''free'' software into the market without the market choosing the best or preferred product. This directly displaces any competitors product since any competitive manufacture could only compete by giving away free it's software. The proposal does not address the funding of competitive and alternative software directly opposed to Microsoft's own interest.

The consumer is the most damaged party in this settlement. There is no monitory relief to the consumer. There would be no growth of a competitive market that would bring lower prices and innovative products to the consumer. The scope of innovation continues to move away from a collective process as was the case with UNIX Operating System of 30 years ago and moves closer toward control by one company—(Microsoft). Microsoft has no regulatory oversight body, yet its operating system is virtually mandatory for more than 90% of consumers, business or government agencies to participate and communicate through our computerized world. By the nature of the license agreement to use Microsoft products, the computerized world is at risk to Microsoft's decisions and whims. What would happen if Microsoft chose to remove itself from the market? While unlikely, it is important to ask the question to realize the scope and impact the Microsoft monopoly has upon our lives.

The proposed settlement is just that, a settlement without any resolution, a settlement with no direction to create competition and innovation, a settlement that begs the question, ''What good is a settlement if it provides no resolution''?

In my opinion, what needs to happen is:

1. For Microsoft to open its architecture to public control.

2. That architecture should be moved in a direction that allows new and existing operating systems to share and compete in the OS market.

3. That Microsoft funds the research in this direction, funding for new and existing competitive operating systems.

4. That all proprietary advantage Microsoft has between its OS and other Microsoft software products be removed or opened to allow competitors equal programming advantage.

5. That Microsoft shall be overseen in its contracting and licensing so as to provide no strong arm tactics in its negotiations and sales of its products.

6. That the license of all previously sold Microsoft operating systems be rewritten to give ownership of the usage to the consumer while allowing copyright to be maintained by Microsoft unless it can be shown that copyright previously belonged to a competitor.

7. That Microsoft should make available for sale, but without support, all previous Microsoft operating systems at a fair market

price so that upgrades are not mandatory to expand your system of computers. Microsoft has far too much influence on our lives and our businesses and our world's security. The proposed settlement is of no benefit and should not be considered.

Sincerely,

Donovan R. McKinney

MTC–00019971

From: Thomas Chiarodit
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

''Don't go too soft on Microsoft'' is my sentiment. As a Macintosh user since 1989, I have paid far higher prices for software and hardware than I otherwise would have due to the unfair and predatory dominance of the PC market by Microsoft. A normal distribution of market share, with everyone playing by the rules, did not occur, and as a consumer I have paid a high price for it because of my preference for a different operating system.

tac42001@mac.com

MTC–00019972

From: Curt or Jennie
To: Microsoft ATR
Date: 1/24/02 12:06am
Subject: Microsoft Settlement

Isn't it time to really make Microsoft pay for their anti-competitive actions? Something that will have real meaning to them. From what I've read, and going by Microsofts past behaviors in various actions, the proposed settlement is completely inadequate. One might even call it a reward. I especially liked the class action suit where they were proposing giving software and machines to the schools. Oh my, what a terrible punishment, to be legally forced to break into the schools venue and start to displace Macs. Again and again, they have circumvented court orders and continued to proliferate by using illegal anti-competitive action. Please do something to stop them, not reward them. I personally believe that the only way is to split them. If it was good enough for old Ma Bell, it should be good enough for Microsoft. Look at all the competition/business opportunities that created. All the new businesses and opportunities created. The same could hold true here. Isn't it time to help boost the economy?

Curt Jacobson
520 6th Ave. E.
Kalispell, MT 59901

MTC–00019973

From: jelle
To: Microsoft ATR
Date: 1/24/02 12:07am
Subject: Microsoft Settlement

Dear DOJ,

I am opposed to the proposed settlement in the Microsoft antitrust trial. The settlement as proposed does not prohibit Microsoft from extending and licensing extensions to common open protocols. As a result, Microsoft is able to prevent or prohibit non-Microsoft products from running with with Microsoft operating systems and browsers.

My company has an online internet application that was developed using common open protocols and non-Microsoft software. Microsoft could extend the open protocols, license the extensions, and prohibit our application from running with Microsoft operating systems and browser. The Microsoft solution would be for our company to jettison our significant investment in the existing system and reinvest in a Microsoft homogeneous server. Microsoft has a history of embracing and extending incompatible open protocols. A current example is Microsoft's incompatible version of MIT's kerberos security system that prevented non-Microsoft kerberos servers from participating even though the kerberos architecture and protocols were openly defined and created by MIT and successfully deployed for Microsoft and non-Microsoft systems. After an uproar from MIT and the kerberos community. Microsoft relented and removed the artificial technical barriers to heterogenous kerberos servers. I'm afraid that our company may not be able to generate such a loud uproar to right the obvious wrongs.

Sincerely yours,
Jelle Jorritsma
Software Developer
Arcata, California

MTC–00019974

From: Ian Cameron
To: Microsoft ATR
Date: 1/24/02 12:07am
Subject: Microsoft Settlement

Good Morning,

I am writing, as a personal computer user, to complain about the proposed Microsoft settlement. I think that it is all about letting Microsoft off the hook, as has been done in the past, and has nothing to do with providing consumers, both commercial and home, with competition in the internet browser and operating system markets.

If you intend to punish Microsoft, you must punish them. Not just take cash out of them which they will recoup quickly from their established monopoly. You must break their monopoly. Consumers must be given a choice. For example you could legislate that all computers must be purchasable without a Microsoft product installed.

This is just a thought.

Thank you for taking the time to read my ideas.

Regards,
Ian Cameron

MTC–00019975

From: Carlos Leal
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

Gentlemen:

Please count me as an end-user who finds the proposed settlement both a waste of tax dollars spent getting to this point and an unconscionable vote for continued computing mediocrity.

Sincerely,
Carlos D. Leal
Carlos D. Leal
9120 Dove Ct.
817–249–4434
Fort Worth, TX 76126

MTC–00019976

From: Bomily
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

I am a consumer, an end user of personal computers and I have been harmed by Microsoft's unethical business practices. For example, because I use Netscape for my browser, I have been blocked for a time from some sites at Microsoft's domain. Even now, when I visit certain pages at Microsoft domains, the pages are not rendered properly and/or functionality is lost. There is nothing wrong with my browser, it works fine on other websites. What is happening at Microsoft domains is a browser version of what has already occurred with regard to competition in the Operating System market and certain software applications. Key Application User Interfaces were withheld from companies that were in competition with Microsoft so that their software would not run right on Windows (think WordPerfect). And way back when DR DOS still had a chance at market share, MS put in code to scare developers with false error messages. They're using similar tactics now. They are trying to make rival applications lose functionality on platforms they control. They completely control the operating system and now they're trying to control the web and how it is accessed. Hence, they've made rival web browsers lose functionality on their web domains. If their .Net strategy succeeds, believe me, they will exercise control to the fullest extent possible until domination results.

For those few of us who have refused to use Microsoft's Internet Explorer that comes bundled with our PCs (consumers have no choice about that-they've forced IE upon us), MS is now trying to force us to use their bundled browser by making Microsoft download sites (these sites are necessary to install patches, etc.) cumbersome and difficult if accessed with a non-MS browser. They seek total control of the web just as they now dominate the operating system market for personal computers and I find that prospect very scary. I think you should too. The current remedies sought by the Justice Department are impotent at best and innocuous at worst. They do not go far enough; Microsoft has already demonstrated to the world, to those with an honest and fair mind, that they are corrupt, unethicaX-Mozilla-Status: 0009hing to achieve their goals. Please be fair and think of the little people and the little companies that don't have voices as loud as Microsoft's with their $35 billion of monopoly derived revenue. Our future is in your hands. Please keep real choice alive.

Sincerely,
Marina Krefft

MTC–00019977

From: Mandie (b)
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

IT is wrong to what your doing.

MTC–00019978

From: Jon Bernard
To: Microsoft ATR
Date: 1/24/02 12:09am

Subject: Microsoft Settlement—against

I am a computer systems administrator for Microsoft Windows NT and Sun Solaris machines. I have several years of experience in IT, including a summer at the Microsoft campus in Redmond, Washington. I am strongly against the proposed settlement. The only real solution to MS monopoly is, I think, to split the company in two, with the operating system and languages forming one company, and the applications another.

Sincerely,
Jon Bernard
155 Broad St #5
Hamilton NY 13346

MTC–00019979

From: Stephen McManus
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. In that case, I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

This settlement is essentially a slap on the wrist for Microsoft, and further restrictions need to be enforced to end its anti-competitive practices.

MTC–00019980

From: Jim Bouse
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement

I think that Microsoft just does what every company in America wants to do, Sell more products than anyone else. Shame on the govenment for getting in the way.

Jim Bouse

MTC–00019981

From: Don Berberich
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to add my comments on the proposed Microsoft antitrust remedy, within the auspices of the Tunney Act. I am a citizen of the United States and a resident of Cincinnati, Ohio. The current proposed settlement for the Microsoft antitrust trial is an insufficient remedy. I work in the information technology field and have direct exposure to the negative impact of the Microsoft monopoly on a daily basis. Microsoft has created a cycle:

1) The dominance of Microsoft operating systems and unfair practices have created a dependency on Microsoft applications, specifically Microsoft Office.

2) The predominance of Microsoft applications, which are insufficiently available for non-Microsoft operating systems, compels the purchase of additional Microsoft operating systems. In fact, companies which provide applications with similar functionality to Microsoft products are purchased or unfairly driven out of business. This was seen in the trial, in the form of the attacks on Java and the Netscape browser.

Currently, economic attacks against companies such as Corel have forced the cessation of development of a competitive operating system and restricted the availability of a competitive office suite.

Any remedy must approach the need for competitive applications for Microsoft operating systems, as well as the need for Microsoft applications to support non-Microsoft operating systems. Here are additional ideas for preventing Microsoft from exercising monopoly power in the Intel-compatible PC arena:

1) Microsoft is currently holding its monopoly through unfair OEM licensing practices and limiting most Microsoft applications to its own operating systems. A solution to the operating system issue: Each Microsoft application must be developed for at least two non-Microsoft operating systems, at Microsoft's expense. The non-Microsoft operating systems should hold at least 2% of the Intel-PC desktop operating system market share or a similar requirement to increase the acceptance of non-Microsoft operating system which have already carved an initial foothold. If an operating system developer/provider wishes, at the developer's expense, to modify and enhance Microsoft applications so that they will run on the provider's operating system, complete source code will be provided to the operating system developer to create. Microsoft may collect royalties no greater than the sum charged to OEMs for the Microsoft developed version of the application.

2) Investigate and restrict the subscription based licensing, which Microsoft currently proposes. In this model, customers are economically compelled to keep the costly subscriptions, possibly owning no product at the end of the subscription.

I also agree with these suggestions at http://www.gnu.org/philosophy/microsoft-antitrust.html: ''1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it. It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered.

Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

2. Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software.

We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.''

In addition, please review the following web sites:

http://www.kegel.com/remedy/letter.html
http://www.linuxplanet.com/linuxplanet/opinions/4020/1/
http://www.gnu.org/philosophy/microsoft-antitrust.html
Regards,
Don Berberich
Cincinnati, OH

MTC–00019982

From: Gary Keramidas
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
let it stand the way it is
Gary

MTC–00019983

From: Tom Condon
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement
To whom it may concern:
I have been a independent software engineering consultant for the last 12 years. Having seen the effect of Microsoft1s criminal anticompetitive actions firsthand, I am saddened that the Department of Justice will allow Microsoft to escape any meaningful penalty.
Please consider the harm to the technological leadership of America that a criminally dominant Microsoft does. By illegally destroying competition, the impetus for technological advancement has been harmed in the American marketplace. Free markets make America strong. Microsoft has destroyed the free market forces in the desktop computing marketplace. Economic diversity in the technology marketplace is vital to the security of our country.
Thank you for your time.
Thomas P. Condon
Condon Consulting Services, Inc.
2032 Columbine Ave.
Boulder, CO 80302
(Phone) 303–442–1571

MTC–00019984

From: Laszlo Toth
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
To whom it may concern,
I am greatly dismayed with the light ''remedies'' suggested for the Microsoft case. I'm afraid they do not prevent the disgusting behavior of these sociopaths suffered by the American people and the world. I am also afraid it does not reflect well on this government. The whole deal stinks of money and influence peddling on behalf of this current administration.
Thank you for your time.
L. Ewing

MTC–00019985

From: Bob Doran
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
The predatory practices of Microsoft have effectively eliminated a number of choices I would otherwise have in personal computer operating system software, and caused the limited choices that remain to cost much more then they otherwise would, had Microsoft not constrained and eliminated competition and operated to establish a monopoly of the desktop software industry.
This isn't about competition, or the best product winning. Microsoft has destroyed hundreds if not thousands of better products and ideas simply to perpetuate a stranglehold on consumer choices, and to be able to charge more for Microsoft products.
I and millions of consumers like me too have been damaged by the practices of Microsoft. I ask you to institute permanent changes to the behavior of Microsoft in such a manner that I and all consumers are protected from future anti-competitive Microsoft practices. Further, I ask that the settlement of the Antitrust litigation between the United States and Microsoft contain provisions for the repair of damages I and other Microsoft product purchasers have suffered.
Regards,
Robert K. Doran
28775 Hedgerow
Mission Viejo, CA 92692

MTC–00019986

From: Howard Swerdfeger
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
I would just like to mention state before the public deadline on comments expires, that I am against the settlement with proposed with Microsoft corperation.
I believe it doesn't do enough to A: punish microsoft for its illigal actions B: Prevent further abuse of its opperating monopoly C: Allow competitors to opperate on a fair, equitable and level playing field
sincerly
Howard Swerdfeger
Canadian Citizen

MTC–00019987

From: Donna
To: Microsoft ATR
Date: 1/24/02 12:10am
Subject: Microsoft Settlement
I would like to make myself heard in regards to this issue. As a present user of Microsoft products, I am heartily disgusted with the underhanded, snake like ways of this company. I am appalled at the lack of integrity, the ongoing lack of concern for their customers, and overtly greedy, power-hungry behaviours.
It is my belief that unless a very heavy penalty is handed down and ENFORCED, this company will blithely go about business as usual in it's effort to own the web. Right now, as their day of judgment nears, they still have not ceased with the behaviours and tactics that got them in this position to begin with.
Please, do not allow this monoply to continue unhindered. The computing world will rue the day.
Thank you,
Donna E. Deslippe

MTC–00019988

From: Ben Stragnell
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement
As a computer professional, it's my opinion that Microsoft has set the computing industry back many years by using their dominant position to stifle independent innovation.
The proposed settlement contains so many loopholes as to render it entirely worthless. Accepting it will permit Microsoft to continue to retard the development of the US industry. The USPTO already has a great deal to answer for in granting ridiculous patents to coporate behemoths. Please do not allow the DoJ to become equally reviled within the technology industry.
Yours,
Ben Stragnell

MTC–00019989

From: M. M.
To: Microsoft ATR
Date: 1/24/02 12:14am
Subject: Microsoft Settlement
This whole operation stinks. I'd rather the president have a cum slut of his own, ala Monica Lewinsky, than be the cum slut of Bill Gates, ala George DUHbya Bush.
A frustrated letter writer.

MTC–00019990

From: Jason Holt
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
As a US citizen and software developer of many years, I wish to express my disappointment with the proposed final judgement in ''United States vs. Microsoft''.
I have been hindered on many occasions by Microsoft's anticompetitive practices, and the proposed settlement does little to curb further abuse nor make reparation to their damage to the computer industry. For example, their tight integration of the Internet Explorer (IE) browser with the operating system has made it quite difficult for me to effectively create web pages without purchasing Windows. Their illegal actions allowed them to quickly dominate the market with a product widely considered (at the time) inferior to Netscape Navigator, it's main competition. Navigator was available for Linux and Irix as well as Microsoft and Apple OSes, allowing me to test web pages in my preferred environment. But now with IE's market share I have to have access to a Windows or Macintosh computer in order to verify that web pages will look acceptable to clients who also have been forced into use of the Windows environment. The proposed settlement leaves me in this predicament, forced to contribute unwillingly to Microsoft's market share.
Secondly, although the settlement (dubiously) requires Microsoft to publish its APIs, it still leaves me in many cases unable to write competing software. I choose to release all software I write using the Free Software Foundation's General Public License (GPL), which allows anyone to freely examine, modify and redistribute my code. But the settlement allows Microsoft to charge royalties for use of methods protected by its software patents— impossible for me to pay if I release under the GPL, since I don't know how many copies of my code are distributed.
Others have commented on the many specifics of the proposed final judgement

which are weak and incomplete; my statement only highlights a few ways in which the settlement fails for me specifically. The settlement is wholly unacceptable and insufficient for the needs of myself and many others, and I urge the court to provide real relief.

-Jason Holt

MTC–00019991

From: Chad
To: Microsoft ATR
Date: 1/24/02 12:13am
Subject: Microsoft Settlement

To whom it may concern,

As an American citizen, I believe that the proposed Microsoft settlement is a horrible idea. What is being proposed is one of the easiest ways for Microsoft to get out of trouble for a very cheap price. Please do not let a company convicted of being a monopolist get off so easy.

Chad Vogelsong

MTC–00019992

From: Daniel S. Wilkerson
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft fails to do anything useful and allows Microsoft to simply continue their illegal practices. Specifically, the Court of Appeals ruling states on p.99 as follows.

''The Supreme Court has explained that a remedies decree in an anti-trust case must seek to ''unfetter a market from anticompetitive conduct'' to ''terminate the illegal monopoly, deny the defendant the fruits of its statutory violation and ensure that there remain no practices likely to result in monopolization in the future.''

As far as I understand the decree, it does not do anything resembling this. Allowing the same company, Microsoft, to continue to provide such interlocking services such as 1—Operating Systems, 2—Applications, and 3—Internet services which could and often are provided by different companies in the rest of the industry, is just asking for the monopoly to not only continue, but to be extended from one field (operating systems) into others through leveraging of the already existing monopoly Microsoft has on the desktop. It is absolutely clear that this kind of illegal tying between the operating system and the browser is going on now. Should Microsoft also gain control of the server, and thus be able to control the protocols for the web and email, Microsoft would quite literally own the Internet. Imagine one company controlling the postal system or television completely. With the Internet replacing all other modes of communication, it is not an overstatement to suggest this could be the end of free speech. There is historical precedent for monopolies with enough power attempting control as unimaginable as this: The United States owes its first settlers to the attempt by the then Catholic English monarchy to prevent people from reading the Bible by burning to death anyone found with an English copy of it.

What eventually broke the monarchy's grip was that printing technology was simple enough that people could and did simply duplicate it in their own homes: eventually there were just too many English bibles. The major problem here is that the Internet situation is really *not* like these previous historical situations with other media that seem similar, and yet people are content to think of it as if it is. It is a problem with computers, but not with television or telephones or newspapers, or any other mass communication medium, because software is fundamentally different than these other technologies: it is maximally complicated. The communications protocols in these historical examples are very simple. Anyone can also build a TV, not just Sony. Anyone can print a newspaper. Telephones are similarly simple. However, I can attest from first hand knowledge that the fact that software protocols can be arbitrarily complex and constantly changing very effectively locks others out of competing with Microsoft. I can't write a competitor to Microsoft Office because the file formats for the documents are too nasty and change too often. At my last job we have tried deciphering them. This is not idle speculation. You may laugh, but think of it this way: The signal of a TV means an image and the encoding for it does not change very often (every few decades, and only with huge resistance. We still don't have HDTV.) The words you write in a newspaper may change, but the language they are written in does not: We can still read what was written 500 years ago. However, computers are *universal* machines that can be have *arbitrarily* complexly. The signal that comes over the Internet can be interpreted as data, say text or image, or as a new program, changing the very *language* of the (subsequent) signal itself. Imagine that after reading one newspaper article, you knew a new language and the publisher then published all subsequent articles in this new language. If they prevent you from reading that first article, you can no longer read *any* more! This is how computers work. This is the danger of Microsoft's control over so many aspects of computing.

I support breaking the company into three parts providing the three services offered above: operating system, applications, and Internet services. I also support an idea from the Free Software Foundation which I have quoted below .

Sincerely,

Daniel Wilkerson, Software Engineer

Quoted suggestion of the Free Software Foundation: http://www.gnu.org/philosophy/microsoft-antitrust.html

Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation. Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered. Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

MTC–00019993

From: KathleenLS@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:13am
Subject: Microsoft%20Settlement

Dear whomever,

The settlement would be outrageous and against good business practice. Please do not let thm get away with this rip-off.

Kathleen
Seattle USA
http://www.icewindow.com

MTC–00019994

From: Nathan Mace
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement

To Whom It May Concern: I am opposed to the current state of affairs concerning the anti-trust case against Microsoft. Forcing them to remove their browser from the core of their operating system is a step in the right direction, it is not enough.

Although some people are for making them release the source code for thier products, I think that this would also be the wrong decsion. They have invested millions, if not billions in the code that makes up Windows and Office. Forcing them to give it away is wrong and un-American. However it is a well known fact that they have used their domaince in the PC market to illegally force competiors out of the market. Look at Netscape and OS/2 for examples.

Although radical as it might be, I believe that the best way to handle this monoply is to break it up into two seperate corporations. One for the OS, one for applications such as Office, Internet Explorer, various games, and the X-Box. That way it ensures that the applications cannot be integrated into the OS any more than a competiors might be. People say that doing so would damage our ecomomy. I say it would help more than hurt. With IE and Office no longer so tightly bound to the OS, it would get competiors a level playing field. With a level playing field comes a much better, stabler economy. Look that the economy of the United States. It is based on the one simple fact that everyone starts out on a level playing field. Without that, where would we be today?

Look back to AT&T. Sure, when they were split up it was rough for a while, but look now. Look at Sprint and MCI. With true competation comes the ability to offer the best services to the most people at the best price.

Everyone wins. Please, don't let Microsoft remain a monopoly.
Nathan Mace

MTC–00019995

From: John F. Chamblee
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
To Whom It May Concern,
This letter is in support of the principles outlined in Dan Kegel's Open Letter to the DOJ, concerning the Microsoft Settlement. By way of providing a specific reason behind my support, I would argue that there are a number of applications in the realm of image processing and Geographic Information Systems that are being hurt by Microsoft's refusal to release its API's in a manner consistent with other software developers. This secrecy results in applications that, though powerful overall, are given to instability, resulting in lost time and work.
Sincerely,
John F. Chamblee, M.A.
Research Associate, Center for Applied Spatial Analysis
University of Arizona
Tucson, AZ 85721
John F. Chamblee
Department of Anthropology
University of Arizona
Tucson, AZ 85721
pgp key and other silliness: http://www.u.arizona.edu/~chamblee
The first principle is that you must not fool yourself—and you are the easiest person to fool.
-Richard Feynman
CC:petition@kegel.com@inetgw

MTC–00019996

From: Steve Schmidt
To: Microsoft ATR
Date: 1/24/02 12:17am
Subject: Microsoft Settlement
[I read in the San Jose Mercury that I could send public comments about the antitrust trial to this address.]
There are those that believe Windows to be a wonderful product, and that Microsoft has not diminished competition thru their monopolistic actions. Those people have not seen the incredible advances of software products in other industries during the past 20 years, most notably in the areas of stability and security, where Windows is so weak.
In many ways Microsoft is to the software industry as the US is to global politics: the 800-pound gorilla with incredible resources.
While US leadership (and our democratic process) usually recognizes that abusing this position has long-term negative repercussions with foreign states, Microsoft leadership takes full advantage of their position to vanquish companies with competitive (and sometimes superior) products.
This must not be allowed to continue, and I believe the only way to prevent it is to (1) enforce a change in leadership at Microsoft, or (2) to split the OS division out of the rest of the company.
-Steve Schmidt
Los Altos, CA

MTC–00019997

From:——
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
These proposed remedies do nothing to remedy the original problems. Please take a more severe approach.
Kaiser Sose

MTC–00019998

From: Richard Ford
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
I am opposed to the proposed settlement. As a minimum, Microsoft should be disallowed from publishing Internet Explorer and from ever charging customers for products they give away as an enticement (example: Entourage for Mac was free, now they charge 499.00 to purchase. There should be regulations against Microsoft's predatory practices of selling products and dropping support (Project for Mac) or charging exorbitant upgrade fees (Office X for Mac).

MTC–00019999

From: Jonathan Maddox
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement
To whom it may concern,
I feel that the Proposed Final Judgment is against the public interest. I oppose this settlement.
Here are some of the specific areas that I am concerned with.
The proposed final judgment doesn't take into account Windows-compatible competing operating systems.
The proposed final judgment contains misleading and overly narrow definitions and provisions The proposed final judgment fails to prohibit anticompetitive license terms currently used by Microsoft.
The proposed final judgment fails to prohibit intentional incompatibilities historically used by Microsoft.
The proposed final judgment fails to prohibit anticompetitive practices towards OEMs The proposed final judgment as currently written appears to lack an effective enforcement mechanism.
sincerely,
Jonathan Dale Maddox, DVM
1159 South Clarence
Oak Park, IL 60304

MTC–00020000

From: robertptag@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft should be held accountable
Dear USDOJ
I believe it is important that Microsoft be held accountable for their actions.
Yours Sincerely
Robert P Tag
CC:robertptag@yahoo.com@inetgw

MTC–00020001

From: paulw@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement
Re: The Microsoft settlement—I am opposed.
I do not believe the Settlement with Microsoft goes nearly far enough in restricting Microsoft's monopoly power. I felt that the company should have been split into two parts: one for applications development, and one for operating systems development, with no possibility for private communications between the two. This way applications developers would not be disadvantaged when attempting to compete with Microsoft on application programs.
Thank you. —
Paul R. Woods
paul_woods@ieee.org

MTC–00020002

From: yersinia_pestis@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement
Sirs:
The proposed Final Judgment is insufficient to prohibit future monopolistic practices by Microsoft for several reasons:
It defines Windows API's too narrowly, i.e. as only API's between middleware and Windows. The PFJ should expand this definition to include all Windows API's.
Section III A 2 does not restrain Microsoft from retaliating against OEM's who ship computers containing only a competing operating system and not Windows.
The powers of the Technical Committee include investigation, but not enforcement. Enforcement of any violations uncovered by the Technical Committee would require lengthy and expensive legal action.
No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats have been found to form part of the Applications Barrier to Entry.
Thank you for your consideration to these comments.
William A. Lynn III
112 Combs Loop
Yorktown, VA 23693

MTC–00020003

From: Cornelius, Shawn (NE)
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
I am NOT in favor of the proposed Microsoft settlement. I have added myself as a co-signer to Dan Kegel's open letter which can be found at http://www.kegel.com/remedy/letter.html. For further information on what I find objectionable, please see Dan's letter.
Thank You,
Shawn Cornelius
Network Engineer
Broken Arrow, OK 74012

MTC–00020004

From: Philip Flip Kromer
To: Microsoft ATR
Date: 1/24/02 12:23am
Subject: Microsoft Settlement
The Microsoft Settlement is deeply flawed.
My primary objection is that Microsoft is not required to keep even a pro forma separation between Operating Systems

Development and Applications development. Any resonable settlement should include a provision enforcing a ''Chinese Wall'' between these divisions, so that other companies play on a level field with Microsoft. This will also help ensure that Microsoft does not leverage loopholes in the settlement (as it has so often in the past) to obfuscate their APIs—there own applications divisions will be just as encumbered.

Thank you for your time, and I hope that a significantly stronger solution may be found.

Philip Kromer

MTC–00020005

From: Alarik W. Skarstrom
To: Microsoft ATR
Date: 1/24/02 12:20am
Subject: Microsoft Settlement

Dear DoJ:

Your institution should properly be named the Department of Law, not Justice. It would be naive of course to identify law with justice; certainly there is much law and little justice involved in your ''settlement'' with Microsoft.

I am a private party, not a lawyer. I am fairly familiar with the technology world. Microsoft is a company whose behaviour, were it an individual could well have landed it in jail. That aside, your acceptance of the sheer immorality of MS's public and private actions calls into question your own ethical standards.

You should be ashamed of yourself, individually and collectively.

Regards,

Alarik W. Skarstrom

MTC–00020006

From: James
To: Microsoft ATR
Date: 1/24/02 12:19am
Subject: Microsoft Settlement

Small companies come out with a crappy product and blame M$ cause they can't compete. BooHoo.

While I think M$$ may have been wrong in some respects I think the law suit is way out of line. I will use nothing but M$ products from now on where ever possible as a protest to this attrocity(not that I dont now but now I will double my efforts) and netscape please die now and leave us alone. heres another little bit. The only way that aol is #1 is because they flood the public with its bull. I tried it and hated it.Not my fault or M$ fault if they bought a loser like netscrape.

MTC–00020007

From: acosand
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: I Oppose the Microsoft settlement

I do not believe that the current setttlement is effective either in righting past wrongs of preventing future ones. I support harsher punitive and preventative measures.

Thank you.

-Andrew J Cosand — /********** ********** ********** **********

Andrew Cosand acosand@ucsd.edu (858)336–2714 http://cvrr.ucsd.edu/~acosand UCSD ECE Computer Vision & Robitcs Research MS Student, Research Assistant ********** ********** ********** **********

Nobody ever made a difference by doing the same thing as everyone else.

********** ********** ********** **********

MTC–00020008

From: Steve Burns
To: Microsoft ATR
Date: 1/24/02 12:20am
Subject: AOL/Netscape at it again to drag down the industry

AOL is at it again, trying to drag down the tech sector with pointless and sensationalistic litigation, continuing to falsely cast itself as a victim instead of accepting its true character as a has-been producer of inferior products. The consumer clearly had a choice of browsers, and chose the superior product in terms of performance, stability, support of open industry standards, and features. Suing Microsoft only confirms this point, and benefits no one.

Please, the sane world begs you to snuff this latest and most ridculous lawsuit against Microsoft as soon as possible.

Steven P. Burns
software industry old-timer
WA, USA

MTC–00020009

From: James Tanne
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement

Honorable Attorney General, Members of the Department of Justice:

I, and many friends and business associates are extremely concerned over the lack of fortitude in the offer drawn between the Department of Justice and Microsoft Corporation. The proposed settlement does NOTHING to make repair to the damages done through years and years of unrestrained illegal behavior by Microsoft and its executives and will do NOTHING to level the playing field and bring competition to what was once a thriving industry. Even now as civil suits are being settled, Microsoft is walking away unscathed and in some instances planting the seeds for future market domination. Somehow the mistakes of the 1995 consent decree are dangerously close to being repeated.

Please reconsider this settlement and reconstruct it to offer a REAL remedy to the Microsoft situation. Until a remedy which TRULY protects consumers and encourages competition can be reached keep, please the case alive and in pursuit of a suitable and practical remedy.

Regards,
James Tanne
190 N 980 E
Lindon, UT
84042

MTC–00020010

From: Douglas Terborg
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

Hello, I am writing to voice my disagreement with the Microsoft antitrust settlement. Now that Microsoft has been declared a monopoly, it appears that once again, the USDOJ will be behaving in the same milksop manner they did when trying to take Microsoft to task over the MS Office product some years ago. Much money and time was wasted in the effort (which had many valid points) only to welsh on truly punishing Microsoft. I mean, if Microsoft is really a monopoly, and if the government has spent so much of my tax dollars, and of their time in proving it, shouldn't there actually be a punishment?

For argument, if I have a son who can't play fair with others, should I just always say ''No, No, Johnny'', and eventually teach him that disobedience is okay because his punishment is nothing more than hearing someone tell him ''No''? Perhaps I should take away Johnny's favorite toy for awhile, and teach him that not doing the right thing has a consequence he doesn't like, giving him a chance to learn. I demand, as someone whose tax dollars went into this process, that you handle this matter in a matter that actually teaches Microsoft that anticompetetive practices get punished. Should you fail to do so, you not only allow their company to behave like the allegorical little Johnny, but once again, the public sees you as a toothless tiger that has no hope of bringing down the prey it chases.

Douglas Terborg
Grand Rapids, Michigan

MTC–00020011

From: Karen Igla
To: Microsoft ATR
Date: 1/24/02 12:23am
Subject: In Support Of Resolving Microsoft Lawsuit

I would like to join those urging a speedy settlement of the Microsoft lawsuit. I understand the current proposal is fair regarding these elements in the agreement:

—Computer manufacturers will be able to include non-Microsoft software in their products.

—Microsoft will alter its products, including the new Windows XP, to make it easier for consumers to substitute non-Microsoft programs in the Windows operating system.

—Microsoft will be required to share its programming code with competitors so their software for video streaming, digital photography and other features will be compatible with Windows.

—A three-member Technical Committee will be established to monitor Microsoft's behavior and enforce the settlement for the next five years. Should the company be found in violation of the terms of the settlement, it can be extended for another two years.

Thank you for ending this costly suit.

Sincerely,
Karen Igla

MTC–00020012

From: matt beito
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

Hello, Sir and/or Madam.

I have some genuine concern over the proposed settlement of the Microsoft Antitrust case. As is, the proposed settlement isn't going to remedy the problem with Microsoft's past and future actions. In the past they have had very anticompetitive actions against their competitors and even with the restrictions that would be placed upon microsoft by the settlement, it wouldn't stop them from behaving the same way.

In your settlement you tell microsoft that they are to open up their API's to other companies. But you don't require them to do it free of charge. Microsoft could potentially open up the API's to anyone willing to pay a million dollars for a very restrictive licensed version of the documents. Microsoft should be required to publish __ALL__ their API's and Data Structures in a media format that is free of charge and free to be used in any manner without restriction.

I would also make a requirement that future API's should be treated the same way for the next 15 years.

Thanks,
Matthew A. Beito
49401 N US 41
Hancock, MI 49930

MTC–00020013

From: Matt Atkins
To: Microsoft ATR
Date: 1/24/02 12:22am
Subject: Microsoft Settlement

Synapsis: The settlement is grossly insufficient. Do something that will allow Free Software to at least protect itself against Microsoft.

I feel that the judgement being reached in this case is not curative of the problems that it addresses. I feel that Microsoft will not be sufficiently restrained in their business practices to stop them from using their monopolistic desktop share to force others out of business.

I feel that Microsoft has actually used this case and it's remedy to arm itself to use the law against it's current exsisting competitors. Honestly, folks—It seems like there are holes in this large enough to toss a truck through, and I'm not alone.

I've gotten sick and tired of my friend bringing me computers with buggy, flawed Windows installs. I'm tired of trying to tell them that Yes, there were alternatives once, before Microsoft drove most of them out of business—Not by being good, or by being right, but by good marketing, and use of strongarm anticompetitive techniques that would make rail barrons blush.

I've also gotten tired of big business buying their way out of trouble. They're guilty as sin, dammit, and they aught to pay.

This is a joke. Take this sentance back and put out something with some teeth in it. It's a sad dammned world where people can steel this much money, and be this crooked, and get off this easy.

MTC–00020014

From: Jof10530@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Times Warner AOL

I am so tired of every other day another company is out to get Microsoft I use AOL but am about to quit everyone should work on there own companies and be succesfull instead of suing I am so shocked that a company like Times Warner would go so low, I guess anything to make money instead of working for it, This country should be proud of Microsoft and all the good work Bill Gates does. Try working hard like he does and maybe you will be a success instead of attacking anyone who has been a success

E Fletcher

MTC–00020015

From: David Keller
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: from a concerned citizen

I find this lawsuit very upsetting. Time-Warner is trying to tell us that they are being hurt by Microsoft when they totally control their cable and cable modem in our area. I can't even log on to high speed service without going thru Time-Warner DSL to get to MSN.com. Microsoft has been held back so that TW could monopolize this market, even over some of the more expensive services. Where is leading us except that T/W has used my fees to support a lawsuit over the very service they supply!!! A Monopoly!!!

Microsoft has enriched my personal life. Not monetarily, but just as a person who likes to read current events and put a more organized life together. I use it as a ''very dependable service'' to communicate with my Son in the Army serving our country at Ft Hood, TX.

I've used ALL the other services including AOL and frankly I was tired of all the Spam advertising and Kiddy Porn that the site encourages.

Now as I see this if you rule against Microsoft your Making AOL/Time-Warner THE MONOPOLY of

1. Cable Television
2. Affordable Internet access
3. Free access News Media
4. Affordable High-Speed Internet and who knows what in the future!!!

Just remember the commercial on Radio and Television: ''AOL no wonder it's #1 —Talk about a Monopoly!!!!!

MTC–00020016

From: Scott Wilder
To: Microsoft ATR
Date: 1/24/02 12:26am
Subject: Microsoft settlement

I think the microsoft judgement is a bad idea, as a computer scientist, I truly believe they are a monopoly, and hinder smaller companies from innovation.

Scott Wilder

MTC–00020017

From: Anthony Hawke
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

You can't hide code (specifically, interfaces information and documentation) that would enable other's to write excellent applications to work alongside Windows (or whatever Microsoft product you want to choose), it limits competition and causes many users to miss out on quality software.

Take away competition and you limit innovation.... will we live in a world where Microsoft dictates what is possible?

Anthony Hawke
IT Support Officer
Australia

MTC–00020018

From: Timothy Shea
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: [Fwd: microsoft.atr@usdoj.gov]

Your Honor Judge Kollar-Kotally,

As a concerned citizen, I urge you to reject the proposed final judgment in the Microsoft anti-trust suit. Microsoft is a monopolist, as every court has determined, and this settlement would do nothing to prevent further illegal use of their power. The loser here is the American consumer and the high tech industry. The proposed settlement also allows Microsoft to retain virtually all of its ill-gotten profits. Therefore, I ask that you rule against this pro-Microsoft final judgment.

Sincerely,
Timothy P. Shea
2959 Spring Valley Rd.
Lancaster PA 17601
717–898–7636

MTC–00020019

From: Matt Wahlin
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

Dear Sirs,

I am writing this in response to an article I saw in the San Jose, California Mercury News which stated that public comments regarding the proposed Microsoft antitrust settlement are still welcome at this email address. If this is not the case, I apologize in advance for any inconvenience this message may cause.

Regarding this proposed antitrust settlement- I heartily disagree with the position taken by the current administration in pursuing this settlement. As a professional with almost 25 years'' experience in the software field and with software products (and product development) in general, I feel that this settlement is bad for the American public and bad for the competitive business environment in our country (and the world).

Over the years, I have seen Microsoft's anti-competitive business practices squash competition from small companies trying to develop new ideas and technology without the benefit of the resources that a monopolistic company, such as Microsoft, can bring to bear. In addition, I have frequently seen examples of Microsoft taking advantage of their Operating System monopoly for personal computers to crush competition by effectively locking out users from using other, better products with their System. Although Netscape, and their browser, is one of the more highly visible examples of Microsoft using a number of different aspects of their Operating System monopoly to create an unfair advantage for Microsoft's own product in the marketplace, this is FAR from the only example.

I feel that the original remedy recommended by the judge in the first

Microsoft antitrust trial was a good remedy and an appropriate example of the kind of actions required to curb Microsoft's monopolistic power in the marketplace. Creating separate businesses from some of Microsoft's more profitable product lines, and forcing them to compete fairly with all other businesses (including the other pieces split off from Microsoft) would create an environment far more conducive to creativity and productivity, and would benefit the consumers enormously. The current, proposed settlement would do little toward this end- in fact it would validate Microsoft's monopolistic business strategies and stifle innovation in software development. The arrogant attitude displayed by Microsoft executives during the trial is more than enough evidence to show that they have every intention of continuing these anti-competitive practices. This would make my job harder and the lives of all consumers less than they could be.

Please reconsider the current, ill-advised settlement proposal, for the sake of all software developers and all consumers.

Thank you,
Matthew W. Wahlin
3470 South Court
Palo Alto, CA 94306
m_wahlin@earthlink.net

MTC–00020020

From: Skyler Anderson
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00020021

From: Charles Sutton
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

I am commenting on the proposed Final Judgment in the Microsoft antitrust case, pursuant to the Tunney Act. I am a graduate student in computer science, I have worked as a software engineer (never for a competitor of Microsoft's), and I have used Microsoft products for almost 15 years. I do not believe that the proposed Final Judgment is in the public interest.

In particular, I am concerned about the definition middleware product in the settlement. As a software engineer, I know that Microsoft places much of its business Internet strategy in what it calls the .NET suite of applications, and the programming language C#. Microsoft CEO Steve Ballmer says as much an interview with ComputerWorld magazine (By Carol Sliwa, January 14, 2002): ''From my perspective, the theme over the next year is Web services, XML and .Net.'' Since many of Microsoft's anticompetitive practices involved the Internet (specifically, World Web Browsers), it seems that this is an oversight in the settlement. Because Microsoft produces the dominant Web browser—-a dominance which was achieved illegally—-Microsoft stands to gain if such services become popular. I believe that the Final Judgement should address this.

In general, it seems to me that the settlement attempts more to prevent Microsoft from breaking the law in the future than it will do to restore competition in any of Microsoft's markets: Web browsers, office software, or operating systems. I do not believe that it will punish Microsoft for having broken the law.

Sincerely,
Charles Sutton

MTC–00020022

From: Benjamin Chadwick
To: Microsoft ATR
Date: 1/24/02 12:28am
Subject: No to current Microsoft Settlement

To Whom It May Concern:

I would like to register dissent with the current proposed settlement with Microsoft. I work in artistic fields: magazine writing and design, fiction writing, and journalism, but have also extensive training in hardware repair and computer programming. Since most workers in the arts have little computer training, I think it is especially important to register just how frustrating Microsoft products have been in these areas. Working with Microsoft products is always a challenge: trying to force the computer to do what I want, and then praying it doesn't crash in the process. However, few projects are solo projects; most must be written in a format everyone uses, and Microsoft's anticompetitive practices have made positioned its software with such formats to an audience unaware of their other options. Given the choice, I'll happily take free software, open, public, accountable for its failures, and written to higher standards with a philosophy of public benefit.

It is important to me that the government not succumb to the wishes of Microsoft. The government is intended to serve the people as a whole. Allowing a corporation to dominate software, and crush its opposition through monopolistic market practices, hurts the public. It's quite simple and only differs from previous monopoly situations (and thus has fostered) through the relatively arcane nature of computers—just as a driver doesn't need to know chemistry to operate a car. Microsoft Word's tendency to crash during automatic backups (for example) has cost me pages and pages of my writing; while I have happily shifted to its rival Wordperfect, and to Linux as my OS, I can't say I've convinced many others to do so—even as they complain of Microsoft's irritations and crashes. Even if Linux had the same problems, the public would still benefit from the programmers'' (on both teams) drive to alleviate them; monopoly allows problems to grow like weeds through pavement, without remedy. In this way, the Microsoft monopoly has effectively had quite a chilling effect on the arts, and I honestly feel the arts have suffered from it. Though the options exist, there has been no effort by government, and obviously little from the industry itself, to promote their use.

Specifically, I object to several aspects of the settlement:

–Failure to open the barriers of entry for rival applications like WINE, a system for executing Windows APIs under Linux

–Narrowly defining the scope of the provisions (for example, it fails to cover all Windows APIs).

–Failure to prohibit anticompetitive License Terms currently used by Microsoft

–Failure to prohibit intentional incompatibilities historically used by Microsoft (this was extremely irritating to those already disappointed by MS-DOS in the early 1990s, when Windows 3.1 became the standard and required Microsoft's DOS over its competitors').

–Failure to prohibit anticompetitive practices towards OEMs

Taken in sum, I feel the proposed settlement will be insufficient to curtail Microsoft's stranglehold on the software business, the public, and the arts.

Sincerely,
Benjamin Chadwick
678 Old Hunt Way
Herndon, VA 20170

MTC–00020023

From: Andrew Griffin
To: Microsoft ATR
Date: 1/24/02 12:26am
Subject: Microsoft Settlement

I've just read through the proposed settlemnet several times. I must say I believe it is weak, ineffective, and entirely too late. The propsed penalties might have been relevant a few years ago, but no longer. Microsoft has had judgements and remedies levied against it before, and has simply gone on doing whatever they feel they can get away with, and coming up with new and innovative ways to explain why ''this is different''.

Thanks
Andrew Griffin
Theplanet.com Internet services, Inc.
214.752.5581 x107
agriffin@theplanet.com
1950 Stemmons Frwy
Dallas, TX 75207

MTC–00020024

From: Phil Barnett
To: Microsoft ATR
Date: 1/24/02 12:32am
Subject: Microsoft Settlement

I feel that the currently proposed settlement is inadequate and an embarassment to justice and law abiding taxpayers everywhere. Ordering Microsoft to buy their way into another monopoly by having them donate proprietary operating systems to needy schools is not punishment. It is simply telling them that it's ok to monopolize yet another venue.

Will this billion dollars worth of ''charity'' displace real business in the commercial operating system world? Will sales that would have gone to Microsoft's competitors be lost because school districts around the U.S. will be waiting in line for their free handout? Will this billion dollar fine actually strengthen Microsoft? I believe it will if it is carried out as currently proposed.

If you want to actually punish Microsoft for their illegal activities, you should not do it by giving them a new market to take over. Instead, you should punish them by strengthening the competition that they have illegally gained monopolistic power over and plundered.

I propose that any new Microsoft settlement to needy scools include: 50% of

the settlement into computer hardware only. 20% of the settlement into network infrastructure. All computers purchased with this settlement money be installed with non-proprietary Linux Open Source operating systems and software.

30% of the settlement will be used for education of the support personnel and teachers using these new open source operating systems. Linux is an excellent choice in Open Source operating systems. It is stable, capable, powerful, consistant and as easy to administer as any operating system that training is available for. There are many good mainstream Linux distributions available at low or no cost. Training and certification are available and should be encouraged in the support and educational infrastructure.

Open Source operating systems have the benefit of being upgradable at little or no cost for the foreseeable future. If the schools to be helped are those with limited budgets, low upgrade costs will be very important over the life of the hardware. Also, Linux is more efficient with hardware and does not require the rigorous hardware upgrade schedule that Microsoft operating system upgrades require. This means the hardware purchased with this settlement money will be viable years longer with Linux than it would be with Microsoft's proprietary operating systems.

If the current settlement is carried out, in a few years the schools with limited budgets will have obsolete operating system software needing to be replaced with billions of dollars of public money. And, to whom will this upgrade money go? Microsoft. That is not punishment. That is opportunity. If you want to punish Microsoft and at the same time remove the proprietary handcuffs that Microsoft has put on every Windows user, teach our children how to use Linux.

CC:leaplist@lists.leap-cf.org@inetgw

MTC–00020025

From: Pamela Boulais
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

Dear Sirs:

As a computer enthusiast and the wife of a professional software engineer, I am writing to provide input on the proposed Microsoft antitrust settlement. I believe that the settlement as proposed is not in the best interests of the American public. I further believe that the settlement would be harmful to the American economy, and is completely inadequate given the findings of fact in the trial—findings of fact which have been upheld by the Court of Appeals.

Microsoft's anti-competitive practices run counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public—including the Federal Government itself—to bear increased costs, and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. This was a serious problem in the 1995 consent decree, and is even more serious of a problem with this settlement. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function. Not only that, but the proposed settlement has NO provision for punitive damages against Microsoft for its actions in the past. An illegal monopoly should not be allowed to retain its ill-gotten gains while merely being warned against such conduct in the future. Due to Microsoft's size and large amount of cash reserves, any fine levied against them should be in the billions of dollars, else it will merely be ''shrugged off'' and the message will remain unheard.

I urge the plaintiffs in this lawsuit to stand fast and not accept this settlement, which amounts to a slap on the wrist for Microsoft and a punch in the nose for the American public. Thank you.

Sincerely yours,
Pamela Boulais, Denver, Colorado
Treasurer, Electric Minds Community
<http://www.minds.com>

MTC–00020026

From: Steve Nelson
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

The Proposed Final Judgment is inadequate to protect consumers from Microsoft's continued predatory, illegal practices. It is not ''within the reaches of the public interest.'' (Bechtel Corp., 648 F.2d at 666) As a consumer my choices have been unfairly manipulated, usually without my knowledge, causing me to pay more for products that I desired (e.g. Microsoft Office for Mac), eliminating choices (e.g. forcing IE as default browser on Macs) or by forcing me to upgrade software in order to be able to share information with other computer users. I pray that the Department of Justice will enact a Judgment capable of stopping Microsoft's illegal practices, rather than a weak injunction that they consider mere nuisance.

Steve Nelson
8314 W 128th St
Overland Park, KS 66213

MTC–00020027

From: Skyler Anderson
To: Microsoft ATR
Date: 1/24/02 12:32am
Subject: Microsoft Settlement

The proposed settlement is not to the consumers'' advantage and does not promote competition.

MTC–00020028

From: jeff
To: Microsoft ATR
Date: 1/24/02 12:29am
Subject: Microsoft Settlement

I would like to go on record as opposing the proposed settlement in the anti-trust case of Microsoft v. United States. I have been a computer professional for 24 years. I don't believe that the proposed settlement is in the public's best interest. The proposed settlement is not even a slap on the wrist for Microsoft. The proposed settlement is too complex. The most effective remedy would be one that is very simple and straight-forward. Just as in software or systems design, the less complex the agreement, the easier it will be to ''debug.'' Microsoft was very innovative in finding loopholes in the 1995 Consent Decree, and it is my belief that they will be just as innovative in finding loopholes in this proposed agreement should it be accepted as is. To have come so far as to find Microsoft guilty of illegally maintaining it's Operating System monopoly, to have the Court of Appeals uphold this finding, and then to propose a settlement that does not include any provisions to punish Microsoft for its past behavior is irresponsible at best. The fact is Microsoft profitted from an illegal act. As a taxpayer I find it a shame that public tax dollars should be squandered in such a manner.

As far as the future is concerned, I see no relief in this proposed settlement. When I purchase another computer, I must pay for a Microsoft Operating system, as well as an application bundle. There is no incentive for the Original Equipment Manufacturers to not preload the Microsoft Operating System and the application bundle. I would propose that a fitting punishment for Microsoft would be a stipulation that Microsoft pay for any added expense that Original Equipment Manufacturers incur to preload a non-Microsoft Operating System, for customers that request it. This stipulation would remain in effect until Microsoft no longer has an Operating System monopoly or for ten years, whichever comes first. It would provide an incentive to Original Equipment Manufacterers to offer alternatives to customers. If Microsoft truly has superior software, then they should have nothing to worry about, no one would want an alternative. On the other hand, if Microsoft software cannot compete with the alternatives, it won't be long until they no longer have a monopoly and competition is truly restored.

Thanks for considering my opinions.
Jeff Mohnkern
124 Miner Street
Middletown, CT 06457

MTC–00020029

From: stephen thomas dranger
To: Microsoft ATR
Date: 1/24/02 12:29am
Subject: Microsoft Settlement

This is a forward from a colleage of mine. I agree wholeheartedly with his sentiments.

Stephen Dranger
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: Wed, 23 Jan 2002 18:10:54 -0600
From: ''Mike O'Donnell''
<odonnell@satisfaction.cs.uchicago.edu>

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I would like to comment on the proposed Final Judgment in United States v. Microsoft, as provided in the Tunney Act.

I find that the proposed judgment is insufficient by a large margin to restore healthy competition in the computer operating systems and software application markets, so it is not in the public interest and should not be affirmed by the court.

The proposed Final Judgment attempts to remedy Microsoft's established illegal anticompetitive practices by prohibiting particular forms of conduct involving overly restrictive licensing terms, terms that vary in order to reward those who accept and punish those who contest a Microsoft monopoly, and terms that make switching to competing products more difficult or more costly. It also prohibits certain forms of retaliation against OEMs who support products competing with Microsoft's products. It also requires Microsoft to disclose APIs and communication protocols for its products under certain circumstances and for certain purposes.

It is inherently difficult, and perhaps impossible, to remedy Microsoft's particular forms of illegal anticompetitive behavior through conduct remedies. Both the underlying concepts in which conduct remedies are defined, and the particular anticompetitive techniques used by Microsoft change far too rapidly, and Microsoft itself has far too much influence on those changes, for them to serve in the foundation of effective conduct remedies.

The remedies in the proposed judgment refer to concepts of ''API,'' ''operating system,'' ''middleware,'' ''application,'' ''platform software,'' ''top-level window,'' ''interface elements,'' ''icons,'' ''shortcuts,'' ''menu entries.'' The definitions of these concepts are not robust and timeless. Compared to concepts in other branches of business and engineering they are relatively ephemeral, controversial, dependent on rapidly changing technological context, and subject to deliberate manipulation by Microsoft. For example, an ''operating system'' in the 1960s was a software system to organize the basic functionality of a computer, and it contained little or no user interface code. In the 1970s ''operating systems'' often contained substantial collections of utility applications and rudimentary interactive user interfaces called ''shells.'' In the 1980s, the X Window system was created as a form of what is now called ''middleware'' to provide a graphical interactive user interface, used widely in conjunction with Unix operating systems. Apple and Microsoft created similar graphical interactive user interfaces, but defined them to be parts of their operating systems, rather than additional middleware. In the near future, distributed and network computing are likely to make it quite difficult to determine the boundaries of a single operating system. In the past, Microsoft appears to have deliberately manipulated the boundaries of such conceptual categories to create and preserve a monopoly position, and I expect it to continue such practices in the future. The proposed judgment provides definitions that narrow these already problematic concepts even further, making them even more vulnerable to deterioration due to technological change and to manipulation by Microsoft.

Furthermore, the particular conduct requirements in the proposed judgment are far too narrow. Every one of the requirements is weak in some way. For example, consider the requirement to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Microsoft and other software vendors like to treat their Applications Product Interfaces (API) as intellectual property. But in good engineering practice these are key parts of the warrantable specifications of a product. This holds in particular for operating systems and middleware, which by their nature are especially intended for, suitable for, and often useless without interaction with other software products. APIs define the quality of that interaction, but they do not provide it. The implementation of an API in program code (which is naturally protected by trade secret, copyright, and patent law) provides the quality of interaction defined by an API. Without access to the complete API, the licensor of an operating system cannot employ the system freely in the way that good software engineering practice suggests. With complete public access to an API, a software company may still protect its implementation of the API, which contains the real value that it has created. Keeping an API secret does not correspond to keeping the inner workings of a product secret. Rather, it corresponds to keeping the precise function accomplished by that product secret.

So the public interest calls for the widest possible dissemination of API documentation. But the proposed judgment explicitly calls for disclosure of APIs ''for the sole purpose of interoperating with a Windows Operating System Product,'' and only the ''APIS and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This excludes the use of information about the API to provide competitive platforms for running Windows-compatible software. Keep in mind that Windows-compatible software does not necessarily come from Microsoft. Microsoft benefits from the value added to its operating system products by a large number of less powerful software houses that create Windows-compatible software. By holding the Windows operating system API secret, Microsoft in effect keeps crucial information about other companies'' software applications secret, denying those applications the value added by competing operating systems on which they may run. Compare the Windows market (and the preceding DOS market) to the Unix/Linux/Posix market. Microsoft uses secret and changeable APIs to effectively eliminate competition to provide alternative operating systems running Windows applications. A competing operating system must use different APIs, and therefore cannot support all of the same applications. By contrast, the Posix standard is a completely public API for Unix/Linux. Various companies, such as Sun Microsystems, compete to provide different implementations of the Posix API. Consumers may run Unix/Linux applications on any of these operating systems.

Similarly, in the hardware market for processors, the specification of the x86 instruction set architecture (the hardware analog to a software API), is public. As a result, AMD competes with Intel to implement that architecture, with immense benefit to the public interest. Similar publication of standards in the overall functionality of personal computers led to the immensely beneficial competition among makers of IBM-compatible PCs. The failure to disclose Windows operating system APIs destroys the possibility of similarly beneficial competition among vendors of operating systems. Very similar considerations to those raised above for APIs apply to communication protocols (for which the proposed judgment provides limited disclosure) and to file formats (not covered in the proposed judgment). Note that Adobe made full public disclosure of its PostScript and PDF formats, compared to Microsoft's secrecy regarding Word formats, and that this disclosure served the public interest immensely by promoting the wide availability of PostScript and PDF printers and viewers.

There are many other detailed shortcomings of the proposed Final Judgment, including the remaining conduct restrictions and the enforcement methods. I expect that other correspondents will treat some of them.

Sincerely yours,

Michael J. O'Donnell

Professor in Computer Science and the Physical Sciences Collegiate Division

The University of Chicago

Senior Fellow in the Computation Institute of

The University of Chicago and Argonne National Laboratory

cs mailing list—cs@cs.uchicago.edu

http://mailman.cs.uchicago.edu/mailman/listinfo/cs

MTC–00020030

From: Dave Basler
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

To whom it may concern:

Though I use Microsoft's products, I understand the importance of competition. This has been the driving engine behind this country's incredible progress over the past 225 years by encouraging innovators and creators to build that better mouse trap. I'm concerned, though, that Microsoft's dominance in the area of operating systems and some applications may be starting to impede on other companies ability to compete in these areas. Though I certainly believe Microsoft has every right to compete in these areas, I''m hoping that a creative and/or innovative solution can be found that allows for healthy competition so that this country's driving engine can continue to flourish to the benefit of all Americans. Thank you for letting me voice my small opinion in this very large room.

Sincerely;
Dave Basler

MTC–00020031

From: claude felizardo
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement

I agree with most of Dan Kegel's comments that the proposed settlement is a bad idea.

claude felizardo
1624 leafwood drive
monrovia, ca 91016
home consumer, software developer

MTC–00020032

From: Don (038) Karen Schloeder
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement...Put some TEETH back into it!

The actions of Microsoft have continued to be monopolistic & belligerent...DO NOT dilute the settlement.

MTC–00020033

From: Boyd Fletcher
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: U.S. v. Microsoft

DOJ,

A couple of ideas to consider regarding the Microsoft Antitrust case: 1) in the early 1990's MS released Windows 3.0. Shortly afterwards it released MS Office 4.x for Windows. This was was the driving reason behind the popularity of Windows. However, it should be noted that the major word processor at the time was Word Perfect and the major spreadsheet was Lotus 123. Within two years of the release of MS Office 4.x, Word Perfect and Lotus 123 had dropped from their number one spots to 2nd place and were losing ground rapidly. The major reasons behind their fall was their ''late'' support of MS Windows platform (which MS had illegally forced most of the major computer vendors to ship with the new PCs.). The reasons for their slow creation of a windows version was MS's relucantance to provide sufficient information about the Windows API to 3rd party vendors with whom it completes. MS was essentially done with MS Office 4.x when Windows 3.0 was released. It took almost two years for Word Perfect and Lotus-123 to get fully functioning Windows versions. This is example of why the operating system part of the company and the application part need to be separate. Now MS control 95% of the Office suite market and their software only runs on Windows and MacOS. Lotus and WordPerfect (now owned by Corel) have less than 10% however their products run on most major operating systems including DOS, Unix, Solaris, Linux, MacOS, and Windows. The only office suite that is growing in use is the StarOffice (OpenOffice) suite from Sun Microsystems and they have had to make it open source and give it away free in order to complete with MS Office. Now how can this be good for competition when a company has to give software away in order to complete against a monopoly. How is maintaining this monopoly good for consumers? I like to have choice. If MS's had its way, there wouldn't be any choice.

2) Look what MS did to Borland Corp. By not releasing APIs to its Windows operating until after it was released, MS gave its own products (esp Visual Basic and Visual C++) a significany leg up over the competition. Why buy Borland's product when MS's product was available when the operating system was released and was build with cooperation of the access to the operating systems'' developers. Borland had to reverse engineer parts of Windows to achieve the same functionality that Visual Basic/C++, a time consuming and costly process. Now Borland has switch almost entirely to Java and Delphi environments on Solaris, Linux, and Windows. At least in this realm they can complete since Microsoft application programmers don't have advantage of having the operating system developers in the next building. This country has always prided itself on competition and an open market economy. However, we as a country realized early on that a totally free market degenerates into a bunch of monopolies if allowed to grow unchecked. We created antitrust law to prevent monopolies from growing and reducing consumer choice and increasing prices. Please reconsider the MS settlement and proceed with proceeding to break up the company into four parts:

1) Operating Systems

2) Applications (Exchange, Office, Internet Explorer, SQL Server, Visual Studio, etc..)

3) Entertainment and Education software (Games, Xbox, etc...)

4) Media (MSN, MSNBC, MSN Broadband, etc...)

One last example, in the late seventies/early eighties Sprint and MCI were successful in bringing litigation that lead to the break up of AT&T. In the 20 years since the AT&T breakup U.S. has seen a tremendous growth in Telecommunications including the largest fiber optic infrastructue in the world, the world's cheapest phone rates, the world's fastest and cheapest data lines (broadband) rates, thousands of different phones are available from hundreds of vendors, more fucntionality (like caller-id, call-waiting, voice mail etc...) and more competition that in any other country in the world. This has been huge benefit to the consumer and the country. The government should use the AT&T breakup as and excellent example of when and why to breakup monopolies and Microsoft has been ruled a monopoly.,

thanks,
Boyd Fletcher
4820 Condor Drive
Chesapeake, VA 23321

MTC–00020034

From: westerj@mta7.srv.hcvlny.cv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:33am
Subject: Microsoft Settlement

Hello,

Its no secret that any company (esp one protecting a monopoly) will try to crush alternatives. A legal route is one way to guarantee lawyers will respond best to those with the deepest pockets. Rather, the US govt spends billions on desktop software. Why not require document formats that encourage and leverage portability? This would provide ways for other software technologies to compete so we all win. The lynchpin of Microsofts domination has always been word and excel. While they are pretty good apps, their doc formats make it downright IMPOSSIBLE to interoperate with any other platform or doc formatting package. So, instead of beating them legally, the next rfq might include a riser of interoperability which would promote competition rather than just going with what MS thinks they need.

The solution proposed by RedHat is a little nutty, but, its less ludicrous than MS's solution where they only seek to strength their grip on the academics. The more we all use Linux, the better we are all off. The internet was spawned outside the walls of MS, and the whole PLANET is now networked because TCP/IP is a terrific standard that we all leverage. Why shouldnt doc formats also have similar opportunity for standardization.

The US Govt has the perfect oppty to leverage itself as a giant customer and it would help us all out. We all want to compete, but can't due to the leveraging of the Desktop OS against the Desktop application suite that enslaves us all to Mr Gates. Please choose your remedy very carefully.

Thanks very much
Sincerely,
John Westerdale

MTC–00020036

From: Shelton Leslie
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft Settlement

The settlement is a BAD idea
Shelton Leslie
COMPU HELP
541–688–2923 voice
541–689–8342 fax
www.compuhelpnow.com

MTC–00020037

From: Walter Bremer
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

Department of Justice:

I feel the the proposed settlement with Microsoft is a bad idea. Their anticompetitive practices are continuing even today. True innovation in computing technologies is too important to the nation and world to have Microsoft preventing the competition to make it happen.

Please, prevent Microsoft from continuing their anticompetitive practices—give Sun, Apple, and others the opportunity to bring innovative products to market.

Thank you.
Walter Bremer
Walter Bremer, ASLA
Professor
Landscape Architecture Department
Cal Poly State University
San Luis Obispo, CA 93407
(805)756–2813
wbremer@calpoly.edu

MTC–00020038

From: nat davis
To: Microsoft ATR

Date: 1/24/02 12:37am
Subject: Microsoft Settlement

please do not allow the proposed settlement in the microsoft case. it is a bad idea.

nathaniel davis
chicago, il

MTC–00020039

From: Shane Kuntz
To: Microsoft ATR
Date: 1/24/02 12:35am
Subject: Microsoft Settlement

To whom it may concern,

Microsoft must be forced to INCLUDE competitors in it's operating system distribution whenever they put any application software preloaded/bundled/alongside/near the Operating system. They must be forced to give up the browser market share they gained illegally. Put their Browser on the auction slab and prohibit them from creating any internet browsing software that in any way displays HTML or it's variants.

Flat pricing for it's OS for all PC manufacturers/customers.

No restrictions on what the PC manufacturer/customer has to include or not include on their PC.

Any Microsoft application must be made available to third party developers to port to ANY operating system given that a share of the profits from such a port go back to Microsoft. This way, Microsoft operating systems will not have an application advantage over other OS entries or existing OS's. The third party must price the port within 20% (or within $20) of the Microsoft offering. Microsoft Office for Linux, Office for Solaris are two such examples.

Any division of Microsoft that has more than 35% market share is to be spun off into it's own separate corporation. The software division that develops Office, namely. Any other division whether it is in existence today or not to be spun off if it retains >=35% market share for longer than 3 years. The OS monopoly is enough for one company to have that has proven they can't play fairly, no other monopoly or significant market share should be allowed to Microsoft. They will support java (in a form acceptable to Sun Microsystems) in every Operating system release. They will also support NFS and any other widely used open protocol instead of creating their own closed protocol to be used exclusively.

Any possible application that promotes services, software or hardware in the Microsoft OS or Microsoft applications or a partner, a competitor will be included in the options in an equal position on the desktop or list of choices. For example Internet connection wizards including ALL ISP's. Lastly, I believe Microsoft owes restitution to Netscape and also should pay for the research and development of open standards for the benefit of all computer users.

Violations of the rules should also be enforced swiftly and completely and accompanied by a large fine and restitution for their actions.

Thank you for reading my suggestions,
Shane Kuntz
sk@fuse.net

MTC–00020040

From: cory mckinstry
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft Settlement

I believe the current settlement terms between the DOJ and Microsoft is favoring Microsoft. They inhibit many of the ways that my company, Northrop Grumman, pursues and manages it's business practices. Microsoft is making all the rules and will continue to do so until it is forced to agree to ''OPEN LICENSE'' its operating systems.

Thank you,
Cory

MTC–00020041

From: curtis j brown
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement

I think that the proposed settlement is bad idea. I do NOT agree with it. I do NOT think it is fair for me as a consumer and that I will have little choice in the software I purchase in the future if the settlement continues.

Not only am I a consumer, I am also a programmer, with a Bachelor's degree in Computer Science. Too many times have I seen Microsoft illegally use its monopolistic position to make sure that I and my clients have only one choice. Under Microsoft's licenses, we have little rights to freedom. Microsoft has gone to great lengths to eliminate any other competition. The proposed settlement does little to rectify that.

Please reconsider the rights of the citizen's of the United States of America.

Many thanks in advance for your time.
Curtis Brown
mrbrown8@juno.com (''Eat at Juno's'')

MTC–00020042

From: Stephen Krauth
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

The Proposed Final Judgement fails to prevent Microsoft from creating proprietary versions of internationally standard protocols. In other words, Microsoft has in the past taken a known standard and changed it so that companies and individuals would be forced to use Microsoft products to communicate with the large installed base of other Microsoft users.

Examples:

—Windows 2000 came out with a modified version of Kerberos, a standard network authentication protocol. They refused to release the changes to Kerberos to the public. Machines using the original version of the protocol were unable to communicate with the Microsoft version.
—Same thing with DHCP, a network configuration protocol. Other non-Microsoft machines can communicate with Microsoft DHCP, but it is known to cause severe disruption on a mixed network (network of machines with Microsoft and non-Microsoft machines).

Analysts have coined the term ''embrace and extend'' to describe this practice.

Microsoft has also modified standards in an attempt to destroy the standard; this practice has been deemed 'embrace, extend and extinguish'.

Example:

—Java. Java was meant to work across many computer platforms. Microsoft created a Windows only version, defeating this original purpose. Microsoft then encouraged web content creators to use Microsoft-only tools such as Active-X by failing to keep the Microsoft version of Java up-to-date with the original.

Thank you for considering this information in your decision.

Steve K.

MTC–00020043

From: Geoff Howland
To: Microsoft ATR
Date: 1/24/02 12:37am
Subject: Microsoft Settlement

The DOJ settlement is horrible, you have totally shirked your responsibilities in this case and provided them an easy out for criminal activities that effect the jobs of thousands and thousands of people as they shut out competitors and bully companies into using their substandard software.

Stop rewarding crime!
GH

MTC–00020044

From: Seth A. Russell
To: Microsoft ATR
Date: 1/24/02 12:38am
Subject: Microsoft Settlement

I believe that the proposed settlement does not place strict enough penalties on Microsoft.

MTC–00020045

From: Kensington
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft settlement

Settling with microsoft is a bad idea IMO. It will take more than the proposed settlement to set things right and loosen their stranglehold on the market.

Ken Kumayama
Northwestern University
Integrated Science Program
k-kumayama@alumni.northwestern.edu
hardov@isp.northwestern.edu
(602) 938–3102

MTC–00020046

From: Joseph Duffy
To: Microsoft ATR
Date: 1/24/02 12:46am
Subject: Microsoft Settlement

Hello.

My name is Joseph Duffy. I am a professional programmer who uses Microsoft software, and especially Microsoft development tools every day. These tools experienced a renaissance while there was viable competition from companies like Borland. But since Microsoft head-hunted Borland's staff and weakened other potential competitors like Java and the Netscape browser, the work has stagnated. There hasn't been a major new feature since 96.

I am opposed to the settlement because we've already tried to restrict Microsoft's conduct with restrictions and it failed. The taxpayers would have been saved a great deal of money on this trial if that original settlement had been more foresighted, to say nothing of the innovations that might have

come from the different ideas of more small and nimble competitors. If conduct measures are used, the penalty for misconduct must be powerful enough to act as a deterrent, like opening of source code or company breakup.

I am a real person and this is the only letter I will send to you. I say this because Microsoft has several times in the past has been found to use the dishonest tactic of ''stuffing ballot boxes'' in order to create the illusion of ''grassroots'' support for its position.

Thank you for listening.

Joseph Duffy

MTC–00020047

From: David Frost
To: Microsoft ATR
Date: 1/24/02 12:37am
Subject: Microsoft Settlement

The short version of my opinion is as follows.....

Based on the collective readings that I have done on the subject, the proposed settlement sounds like Charles Manson getting to pick his own punishment. Microsoft has so little respect for the law that during the original trial it presented obviously falsified evidence, claimed no knowledge on subjects very near and dear to their business, and made ludicrous claims of technical impossibilities. The proposed settlement in its current form has so many loopholes that there will be no way to enforce it. Where will we be if claims of manipulation are made against Microsoft months or years later? We'll be forced to pay for another multi-year trial, after which MS will be found guilty, and just like the consent decree and this procedure, we will end up doing so little that it really won't matter.

I say we make the restrictions and monitoring procedures fit the violations proven. Also, it would be wise to not limit such penalties to specific titles, as this makes it too easy to get around the law by creating new titles that are somewhat different in functionality (hence a new ''type'' of software), that is not covered in the anti-trust ruling.

If this settlement is accepted, the people who have been wronged will continue to be wronged...just in a slightly different way.

David Frost

MTC–00020048

From: Marc Visconte
To: Microsoft ATR
Date: 1/24/02 12:39am
Subject: Microsoft is a monopoly.

As a staunch Libertarian, my normal views are that there is too much government interference in both business and the lives of individuals. In the case of Microsoft, I may have to reverse my normal stance and concede that:

a) sometimes there is such a thing as a corporation that is too large and/ or uncontrolled, and

b) in spite of my belief in the free market, no matter how beneficial to the consumer a business'' actions are, some business practices are abusive. If a business'' way of doing business is unfair and monopolistic, it should be punished by the legal system.

I believe that Microsoft has operated in an unfair manner, and that other companies (and consumers) suffered because of it.

For the government to take MS to court, and then IGNORE MS'' actions, grants a tacit approval to unfair business practices. For the fairness to consumers and to other businesses, the government should step in and punish Microsoft.

Marc Visconte

MTC–00020049

From: richardlaughlin@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:39am
Subject: Sue Sue Sue

Dear DOJ,

It seems that about once a month I see the Attorney General of CT. on television announcing his newest victum. And of course he is the biggest opponent to the remaining states settling with Microsoft. It really appears that our judicial system anymore mostly serves the trial lawyers and politicians.

Microsoft beat its competition and serves its customers very well.

Thank you.

Richard Stouts

MTC–00020050

From: Scott Finkeldei
To: Microsoft ATR
Date: 1/24/02 12:41am
Subject: Microsoft Settlement

the proposed settlement for the Microsoft Anit-trust case is bad idea. It will basically allow Microsoft to buy its way out of the situation without forcing any substantive change.

Microsoft is currently giving away free preview copies of XP in the U.S. Post Office and several shipping companies as I understand. This seems like they are using the U.S. govt as a way to promote their monopoly even as the case is being resolved.

please consider working out a different settlement. thank you for your time.

sf

Scott Finkeldei
Assistant Director of Information Systems
Division of Continuing Education
Kansas State University
51 College Court Bldg
Manhattan, KS 66506
curtain@ksu.edu
785–532–2585

MTC–00020051

From: Mike Cohen
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

the proposed settlement is a bad idea

MTC–00020052

From: bryanrbaker
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Microsoft Settlement

I am NOT in favor of the proposed settlement in the Microsoft Anti-trust case.

Firstly, when in the history of jurisprudence has society allowed criminals to set the terms of their own punishment? The settlement proposed by the DOJ does not substantively differ from the settlement that Microsoft proposed. They have been found guilty. Why then are they allowed to set the terms of their punishment?

Secondly the States dissenting from the DOJ make many cogent arguments in their proposal. Overall it seems to have much more emphasis on the spirit and intentions of anti-trust laws as they exist. This focus is on the protection of the consuming public and the promotion of fair competition.

I would like to pay particular attention to section L of the States proposal, in which the States pay attention to a particularly nasty method that Microsoft has been developing to deal with the threat of technology that is not linked to companies that can be bought or forced out of business. Microsoft adopts standards, then proceeds to ''extend'' them at will until the Microsoft version is incompatible with the open standard, which they use as leverage to keep consumers locked into a ''Windows Only'' environment. This is one of their most disastrous strategies for consumers and competition.

==Quoted from the States Proposal==

L. Adherence to Industry Standards

A common tactic in Microsoft1s unlawful monopoly maintenance was the limitation on interoperability with potential competitors. This has been accomplished, on occasion, by co-opting and/or undermining the industry standards for software developers. Microsoft also purposely deceived software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java:

16. Adherence to Industry Standards.

a. Compliance With Standards. If Microsoft publicly claims that any of its products are compliant with any technical standard (''Standard'') that has been approved by, or has been submitted to and is under consideration by, any organization or group that sets standards (a ''Standard-Setting Body''), it shall comply with that Standard. If Microsoft chooses to extend or modify the implementation of that Standard, Microsoft shall continue fully to implement the Standard (as that Standard may be modified from time to time by the Standard-Setting Body). Microsoft shall continue to implement the Standard until: (i) Microsoft publicly disclaims that it implements that Standard; or (ii) the Standard expires or is rescinded by the standard-setting body. However, Microsoft shall not be permitted to require third parties to use or adopt Microsoft1s version of the Standard. To the extent Microsoft develops a proprietary version of a Standard, Microsoft1s Operating Systems must continue to support non-proprietary, industry versions of such Standard.

b. Compliance With De Facto Standards. As to any Standard with which Microsoft is required to comply under the preceding paragraph, to the extent that industry custom and practice recognizes compliance with the Standard to include variations from the formal definition of that Standard (a ''De Facto Standard''), Microsoft may discharge its obligations under this provision by complying with the de facto Standard provided that: (i) before doing so, Microsoft notifies Plaintiffs and the Special Master in writing of its intention to do so, and describes with reasonable particularity the

variations included in the De Facto Standard; and (ii) Plaintiffs do not, within 30 days of receipt of such notice, object to Microsoft1s intention to comply with the De Facto Standard. == end quote ==

Please think carefully before unleashing a brazen and emboldened (since there is no punishment here) Microsoft on the citizens of this country. That is what will happen if Microsoft is allowed to get off with their own definition of a punishment.

Bryan Baker

MTC–00020053

From: Daniel Grm
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Microsoft antitrust case

To whom this e-mail may concern,

I beleive that the settlement made with microsoft is unfair. I feel that Microsoft has been portrayed as something it is not. Micorsoft is not monopoly they just make a good product. The reason that a company like Netscape who makes a browser that competes with Microsoft's Internet explorer is losing market share is not due to monopolistic practices bey Microsoft, but due to the fact that they have created a inferior product to that of microsoft's. I beleive that most of these companys instead of producing a good product they are attempting to take down microsoft by underhanded means of claiming they are a monopoly. I beleive the whole case brought against microsoft is wrong and I hop eyou use your great wisdom to rectify this situation.

Sincerly,
Daniel Grm

MTC–00020054

From: Tim Jensen
To: Microsoft ATR
Date: 1/24/02 12:41am
Subject: Microsoft Settlement

OPPOSED !!!! Its toothless. How much did they pay lobbiest to get this settlement?

As an owner of a small software company I can tell you we are in constant fear of Micro$oft's monopoly power. Cannot say anything they do not like or cannot do anything they do not like or they put you out of business by taking away your licenses (one you already paid for). We just search for a niche in the market and hope MS does not copy our good ideas and then give the product away to put us out of business.

How is it a foreign company gets tariffs for selling things below the cost of product, but MS does not?

They just do it and call it innovation, its part of the OS. The DoJ went to the trouble of proving MS guilty of monopolistic practices and then as punishment you give them a toothless ''punishment''. One that is actually a MS marketing plan in disguise.

Tim Jensen
VP Realtime Fantasy Sports
Senoir Designer Federated Software Group

MTC–00020055

From: Eric Weis
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Fwd: The Tunney Act. Microsoft Settelment Rejection Notice

Note'' forwarded message attached.

This is the deadline for comments on the Microsoft Settelment from the public * Now as some of you know I am not one for ''chain letters'' but this time I can't think of a better way of getting a good volume of mail generated in a short peroid of time.

The Proposed Microsoft settelment is a failure* This is according to nearly all the anaylsis by lawyers, industry advocates, and anyone involved in the case. The DOJ needs to hear from the people in the public comment peroid to let them know that it is not enough, and time is almost out. Let your voice be heard.

Remember it is the number of email the DOJ gets that counts, so lets generate some traffic on their mail servers* Just follow the instructions below.

1) Please forward this to microsoft.atr@usdoj.gov

2) Forward this to everyone you know and get them to do the same.

Thank you for your time
Stephen Berens
Founder of the Western Alliance

Form letter follows

Open Letter to DOJ Re: Microsoft Settlement

If you'd like to co-sign this open letter, please email me at petition@kegel.com, and please give your city, state, title, and affiliation.

—Dan Kegel

To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry— by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

?? The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

?? The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

?? The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

?? The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

?? The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

?? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

?? The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

?? The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

?? The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

?? Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

?? Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

?? Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

?? Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

?? The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

?? The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

?? The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed

Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
MTC–00020055—0004
01/29/2002 8:07 P

MTC–00020056

From: Robert A. Klahn
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

Greetings Department of Justice:

I am writing this short note to voice my comments on the proposed Microsoft Settlement. My views can be summed up in short as this: It does not go anywhere near far enough, and should be abandoned in favor of a stronger settlement which would result in the Operating System and Application Development portions of Microsoft being split into two different companies.

There are a few specific points of concern that I would like to address on top of this summary, in the likely event that you do not adopt my larger views on the Settlement expressed above.

* The section which reads ''Microsoft may restrict an OEM from displaying icons, shortcuts or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products. ...provided that any such non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware.'' would seem to provide Microsoft with sole determining power as to look and feel on the desktop of competing products, at least among those products in direct competition with Microsoft —Application— products. Given Microsoft's past illegal behavior in regards to competing Hypertext browsers, I am leery to extend such an anti-competitive power to the company that controls the look and feel of the —Operating System—.

* There is a section which would appear to permits the removal of Microsoft Middleware software, but permits the retention of such software on the computer in question as long as: ''1. that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing), or 2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g. a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.'' As a computer security professional, I find the implications of this stunning, in that, the Settlement permits Microsoft to hide the non-removal of software components to the end user. How is any system to be determined to be secure if the possibility of determining the software installed on said system is not possible? In this age of virus, worms, etc. in the Internet world, this is becoming a more and more important topic.

I could go on, but these are, to me, the major points. In short, I urge you to abandon this Settlement, and retry for something stronger. Former Attorney General Robert Kennedy once said ''Too much power scares me, whether we find it in a trade union or in a corporation.'' This should be the guiding principle of this or any other anti-trust Settlement, and I am afraid that I must conclude that this Settlement leaves too much power in the hands of the Microsoft Corporation.

Thank you for your kind attention.

—

Robert A. Klahn
rklahn@acm.org
AIM: rklahn
Yahoo Messenger: klahn
IRC: rklahn@irc.openprojects.net
St. Augustine

MTC–00020057

From: Bob Jarmak
To: Microsoft ATR
Date: 1/24/02 12:48am
Subject: Microsoft Settlement

The proposed settlement does not address any of the important issues of the case. Microsoft corp. has established a long history of predatory and anti-competitive behavior.

It seems logical that the best solution would be to estimate the economic impact of these actions and fine the company an appropriate amount. In addition, the importance of computers dictates that Microsoft be regulated closely, much like a public utility company.

States should have to authority to approve any pricing, and the company should be limited to a return commensurate with a monopolistic corporation, 6–9% per year.

The proposed settlement is a poor one in every way, and unacceptable in any rational analysis. If approved, they will continue their illegal predatory practices.

Bob Jarmak

MTC–00020058

From: David Smith
To: Microsoft ATR
Date: 1/24/02 12:44am
Subject: Microsoft Settlement

The current proposal for the Microsoft settlement does not go far enough as a remedy that will curtail similar practices in the company's future. In every logical sense it rewards Microsoft's behaviors by expanding it's reach.

Many within that circle are refer to the proposal as ''a victory over the government.'' Sadly this may be recorded as a failing of our system to follow through.

A settlement for the sake of settlement alone is not justice, but criminal. The finding of fact which confirms that Microsoft functions as a monopoly should not be a ignored out of convenience.

It is my belief that the penalty should reflect the findings of the court. The proposed settlement is slipshod and not strong enough to levy any real penalty at all.

As an concerned citizen, I'm against the current settlement Microsoft is pushing for.

Sincerely,
David Smith

MTC–00020059

From: Beth Bremmer
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

I'm a tech-savvy voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behavior.

b. bremmer
huntingtom beach, ca 92647

MTC–00020060

From: Trimurti
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

The proposed settlement is so devoid of the original intentions that it is ridiculous. First we were to decide if Microsoft was a monopoly, then take appropriate actions. So, Microsoft should be split up and monitored. Then it was down to let's leave them together but still monitor them. Next came letting them monitor themselves. Now, in addition to monitoring themselves, they have re-written the entire proposal to sound like a Microsoft EULA. There is nothing but work-arounds in there. All Microsoft has to do is to holler there may be a security breach and all deals are null and void. This isn't any kind of proposal.

This is just the government's way of encouraging monopolies and discouraging small business. I'm very ashamed that my entire Department of Justice and United States Government can be so readily defeated and humiliated by Microsoft. I'm so ashamed of you.

Dave

MTC–00020061

From: Craig S. Miller
To: Microsoft ATR
Date: 1/24/02 12:44am
Subject: Microsoft settlement

To whom it may concern,

I'm writing to express my concern for the federal government's proposed settlement with Microsoft. From what I can understand, I see little in the settlement that would discourage this company from continuing to engage in anti-competitive practices in the future. Contrary to Microsoft's claim, this company has done little to advance computer products and software. In particular, their product design seems to be more oriented towards trapping users into their formats and protocols than offering consumers something useful and effective.

I urge you to reconsider the current settlement and consider a remedy that really would discourage practices that have already been demonstrated as being unfair and anti-competitive.

Craig Miller
1334 W. Newport Ave.

Chicago, IL 60657

MTC–00020062

From: Saist
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

Hey idiots. Do the world a favor. break Microsoft up.

MTC–00020063

From: Nathan Medbery
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

Hello,

I am writing to voice my concern over what I consider a weak final judgment in the government case against Microsoft. Your own findings show that Microsoft has indeed acted as a monopoly in many cases, and has acted improperly in further dealings with many companies and technologies in the market.

They have squashed entire companies and technologies (some by perfectly legal and acceptable means, others by unfair/monopolistic advantages), and used their legal clout to block further development of various products, even when they had little or not legal ground to stand on. Because they have deep pockets and can fund as many legal proceedings as necessary (indefinitely I might add), they can indirectly ruin smaller companies that do not have the funding to defend themselves, regardless of who is right or wrong.

Your proposal is nothing more than a mild slap on the wrist, and a forced re-posturing of their products as they come to market (especially via OEM distribution outlets). What is to stop Microsoft from continuing its bullying of companies and of the market in general? There is nothing in your proposal that punishes them for what they have already done, other than making them change how they go about some things. Well, not to the extent that I believe they should be punished at least. And what about Microsoft's habit of bringing more and more technology into their products (especially their Windows Operating System) that would normally (and should) be left to other parties to produce? If nothing else, they should have to distribute certain technologies separately from their OS, even if it's free. You found that they unfairly distributed their web browser. The same is happening in many other cases, and will not be hindered by your judgment.

All in all, I just don't believe you are truly punishing Microsoft enough for their blatant use of monopolistic power, nor do I believe you proposed limitations would change how Microsoft behaves in the end. That is simply my opinion.

-Nathan Medbery

MTC–00020064

From: Jomo Brown
To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Dear Sir, Madam,

Dear Sir, Madam,

Thank you for excepting my comments I as an individual am very upset at the settlement proposed by the DOJ. I can not begin to understand why the DOJ went out of its way to excuse Microsoft for law's they have broken. I do not see the DOJ playing the role of a Prosecutor, but as an ally. I mean to say, from looking at the settlement It seems as if the DOJ is helping Microsoft continue to suppress technology that conflicts with the Windows desktop. I understand the importance of the war against terror, but I can not except that as an excuse for injustice . I have no fear that you Judge Colleen Kollar-Kotelly will reject the proposal brought by the DOJ.

Thank you for excepting my comments.

Jomo K. Brown

MTC–00020065

From: Prosser, Ryan R.
To: Microsoft ATR
Date: 1/24/02 12:47am
Subject: Microsoft Settlement

I do not believe that the settlement that has been proposed will fix or even Address all of the problems of ''Microsoft Anti-competitive'' Practices. Microsoft is the only OS choice for 90–95% of computers bought. And with there market share they then are able to push their products On to the consumer by having them integrated into the Operating System. From MSN messenger to Internet Explorer. Since computers are Hard for most people to learn, people only use what is installed on their Computer when they buy it. I understand that Microsoft states they are Helping the end user, but they are destroying the rest of the industry. Microsoft will use it's shady business practices to force computer Manufactures to only install Microsoft OS and Microsoft Office. Until the end consumer is educated, on computers and the industry, they will not understand truly how Microsoft is hindering the entire Computer industry.

Microsoft try's not to use standards but develop there own products That are then non-compatible with other companies products. But why Would they do this? Because They have the desktop market and can freely Push there new ''non standard'' software to everyone when they by a new Computer or update Windows.

I urge you to look at the true impact that Microsoft is causing on the Industry.

Ryan Prosser

MTC–00020066

From: wgierach@execpc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I think the proposed settlement for Microsoft is a bad idea.

William Gierach

MTC–00020067

From: Justin Whitney
To: Microsoft ATR
Date: 1/23/02 7:55pm
Subject: PFJ must be altered

To whom it may concern,

The PFJ as it stands is flawed in a number of ways, to my thinking.

Below is an excerpt from Dan Kegel's comprehensive essay on the subject that highlights one of the most important oversights in my opinion:

''The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.'' The PFJ must be altered in order to be affective, and the above is but one of a number of ways in which this should take place. I strongly urge those who are able to reconsider the PFJ, taking the comments of those most familiar with the subject into consideration; for they are truly relevant and necessary lest the judgement be ineffective.

Sincerely,

Justin Whitney

MTC–00020068

From: AMP2543@ao1.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:49am
Subject: Microsoft Settlement

The attached letter is sent in support of Microsoft in the Microsoft Settlement.

Angela Pearce

CC: fin@mobilizationoffice.com@inetgw

January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Thank you for the opportunity to express my support for the proposed settlement of the antitrust lawsuit between the federal government and Microsoft. I know that you are not responsible for bringing this lawsuit and that you are somewhat constrained in your options in disposing of the case given its history. I applaud you for reaching the settlement and making the best of a bad situation.

From what I heard about the settlement agreement, Microsoft has agreed to significant changes in the way it does business. Consumers will certainly benefit from Microsoft's agreement to allow competition from non- Microsoft programs within Windows. I think consumers and computer makers will also benefit from the new pricing practices established by the settlement.

All in all, I think the settlement agreement is a good thing for our economy. I hope that you allow it to remain in place in its present form. Thank you for considering my point of view.

Sincerely,

Angela Pearce

00020068—0002

MTC–00020069

From: Langtry, Nathan Frederick (UMC-Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:51am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00020070

From: Archon de Gaul

To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I would like to point out that Microsoft has entered into ''consent decrees'' in the past and has been proven to have broken its'' agreement(s) on a number of occasions. I refer to the preceeding Microsoft/Caldera case, the Microsoft/Netscape case, the Microsoft/Sun case, the Microsoft/IBM case, et. al. I am unhappy with the way the current DOJ staff have, in my opinion, dropped the ball in this case. I specifically refer to the fact that, when the appeals court remanded the case and struck the verdicts of Judge Penfield, some issues that, in my opinion, should have been re-addressed include: the potentially-illegal tieing of browser software, the equally-potentially-illegal (hijacking) extension of standards (re: Sun/Java) and the strong-arming of potential competition. (Dell, Gateway, IBM, etc's complaints that MS won't allow them to customize the desktop with certain icons, browsers or operating systems.) There has been an incredible amount of written material generated by these cases, so I won't spend the time regurgitating it here, but I would simply like to ask that the DOJ do what it originally set out to do under another, admittedly less pro-big-business, administration and represent ''JUSTICE''. What Microsoft does to competition and the free market is not justice, it is bullying. Represent the people and protect the free market.

As a small business owner, I need the barriers to entry lowered in a number of areas just to have a chance to survive in the waters with the other big fish. I believe businesses like mine have something to offer the people of the world and I believe just as fervently that enormous monopolies like Microsoft squelch any chance people like me have to innovate. Without giving up my patents and ideas to bigger fish to market and develop for me, I can't hope to penetrate even a regional market.. but any potential ''big fish'' I might ally myself with are afraid of repercusions with Microsoft. This sort of Mafia-style business practice can't be tolerated in this day and age. Please do the right thing; don't throw in the towel.

Thank you in advance,
Stewart Davis
—Infinite Computer Solutions, Inc.

MTC–00020071

From: Stacey and Tim Conley
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

Thank you in advance for reading this. The settlement that microsoft agrees to would only solidify their market share. Tendendancy to believe that something given is actually free, turns a blind eye from Microsoft's real intentions. Microsoft only wishes to stifle any real choice of future consumers by creating false trust and familiarity with Microsoft product.

Have Microsoft give the money ,otherwise spent in their own interests,to schools, who may then buy what the schools would benefit from, not Microsoft.

Please don't let Microsoft use this as an oportunity to their own gain.

My Opinion, Tim Conley

MTC–00020072

From: Sailers John S PORT
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

I live in a country where I am free to make many different choices as to how I choose to spend my money, use my time, and choose the lifestyle that fits me best, EXCEPT when it comes to spending my money on my choice of computer operating system, or spending my time using my choice of computer operating system, or choosing a computer operating system that reflects my preferences.

If I am not going to be able to have a choice, my other option is to not spend ANY money, or spend ANY time using ANY computer. Microsoft HAS hurt the computer industry by preventing people from having ANY choice of product and ideas.

If the rest of the US culture had the same history as the computer operating system, we would all be driving the same vehicle (even if it wasn't appropriate), eating at the only restaraunt (McDonalds, no Thai, no Chinese, no Steakhouses, no Italian, etc...), shopping at the only store in town (Walmart), and having to suffer with a cable TV monopoly (see, it's already starting...). I am infuriated by the ignorance of the American public towards the DANGER of the Microsoft monopoly.

John S. Sailers
13 Linda Ave.
Dover, NH
jsailers@nh.ultranet.com

MTC–00020073

From: Peter Obregozo
To: Microsoft ATR
Date: 1/24/02 12:53am
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed settlement is a bad idea.

Sincerely,
Peter Obregozo

MTC–00020074

From: Dave Cottingham
To: Microsoft ATR
Date: 1/24/02 12:53am
Subject: Microsoft Settlement

I would like to take this opportunity to comment on a few of the ways the Proposed Final Judgement (PFJ) in USA vs. Microsoft fails to meet the requirement under the law of curbing future anitcompetitive behavior. In specifying to whom Microsoft must disclose documentation of APIs and protocols, the PFJ contains so many loopholes that Microsoft could deny access to this information at will. These restrictions are unnecessary: Microsoft should be required to make these disclosures publicly, not to selected third parties. Restricting this information only serves anticompetitive purposes.

The description of which APIs and protocols must be disclosed is quite narrow and full of loopholes. In particular, the exclusion from disclosure of ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' must be lifted, as almost any API will contain these elements, and interoperability will be impossible without knowledge of these aspects of the system.

The Technical Committee as described in the PFJ will be powerless to verify compliance. All members of this committee should be appointed by the court, not by Microsoft; they should be paid by the government, not Microsoft; they should have real investigative powers; and so far from being barred from disclosing compliance violations, the committee should be required to publicly report them.

Please consider modifying the PFJ to make it effective. This is not the first time Microsoft has been through the courts on antitrust violations; it would be to the benefit of the American people to fix the problem this time.

Sincerely,
Dave Cottingham

MTC–00020075

From: Bill Bowker
To: Microsoft ATR
Date: 1/24/02 12:55am
Subject: Microsoft Settlement

Since we the public are allowed to put in our ''2 cents worth'' so to speak I thought I would interject my thoughts on the matter. I think the bundling of internet explorer with the microsoft operating system is quite within their right as a software developer. much as in the same way some of the complaining parties (IE: AOL/Time Warner) bundle the very same explorer into their software. funny that AOL who OWNS Netscape but continues to still bundle Internet Explorer with their software. There was a point when they included both Netscape and Internet Explorer versions but due to PUBLIC opinion they havn't bundled it for some time. Continually I have read about how IE (Internet explorer) has been bundled ''unfairly'' and how you couldn't install any competitive browser on a windows machine? As a computer technician I would have to ask has anyone looking at this case actually used a computer before????? as a computer user from almost the first computer available I have used internet software since there was an internet. First came Mosaic, which was developed and was supposed to be free. though there were many ''flavors'' of it out there and most charged for the better versions. all of which really sucked.... then came Netscape. They were the first company to give away their browser, which is interesting since they are one of the prime companies complaining about Microsoft giving away their browser! At first Microsoft sold their browser and it wasn't very good at all in the beginning. But as they began to develop their code it because quite good and then they started giving it away. A practice that is continued to today. I read about the decline of Netscape's market share and how it was leveraged away by Microsoft. Well I suppose that's probably what they would love people to think, however the reality is that their super buggy software became the focal point of discussion all over the net. New releases yielded a new level of horrors each time. constant crashing and problems almost from the start. Then started the Number war between the two

companies having similar number schemes so as to confuse the average computer user I suppose. Well it never worked. the reason people started to use Internet Explorer over Netscape (myself included) was that after paying for their software in the ''retail'' version, which was escentially the same version packaged with more bookmarks.....what a ripoff. Was that IE jumped on the standards bandwaggon and pushed the envelope of standards for the web. Like the puzzling fact that JavaScript while being developed by Netscape currently does not even RUN on a Netscape browser properly, or at all in most cases. Or more puzzling that even their own Homepage cannot be properly displayed using their own software? It would be funny if it wasn't sad. So rather then coding a better software package that would compete with Microsoft on an even keel or blow their doors off. They have resorted to petty lawsuits that seem to have interesting timing relating to decreases in their stock value. An interesting correlation. I also find several holes in the validity of the internet supremacy as well since AOL is the largest ISP in the US as has been since way before this lawsuit. Part of the government agreement in the whole AOL/TimeWarner merger was to open up their instant messaging service. Funny that this still hasn't happened and nothing has happened to them.... But i'm sure if Microsoft was in their shoes it would be a big deal! And gee, why can't microsoft automatically download and install updates to their software but AOL can and has for years? Netscape has the whining power of AOL behind them and has coded one of the crappiest browsers in years, their current version 6.21. which is coded in java. Ahhh Java, one of the suckiest technologies to come down the programming pike in years. And why exactly should microsoft be forced to include a Java compi ler into their Operating system anyway. Under their agreement settlement with SUN they have removed the capability from their software to rely on SUN for the components. and if you have ever ran a java program then you would have seen the advantage of using the microsoft optimized JRE engine compared to the crummy SUN version that takes a million years to run. It's quite easy to think of the ''beauty'' of having computer code that runs the same on every platform. Looks great on paper but in actual use it doesn't work that way. You end up with non optimized code that runs crappy on every platform universally. Of course it runs great on SUN systems, conviently. And if you truly think that ''making'' Microsoft unbundle Internet Explorer is going to be the solution for your smoking gun you are sadly mistaken. Gee, then the average consumer will just have to spend even MORE money to purchase the operating system and have all the goodies. It seems to me the last fiasco the government made regarding Microsoft was forcing them to unbundle the ''Plus Pack'' from windows. So that we the users of it could pay more yet again! And then of course there was checking into the pricing of Windows.....and how Microsoft was charging consumers too much for their product when it was in fact the same price as Apple was selling their operating system for as well. DOI. But then there is never much thought as to what the average user has to due with it, it's always pressured by money and big business. It certainly doesn't mean that Microsoft codes the best software in the world because they don't, far from it. But it's also not like their are others jumping at the chance to create a new operating system for the Intel platform. Linux is out there but frankly isn't catching on very well at all. and certainly the government has a TON of responsibility as well, since it is the largest purchaser of computer software in the world. As the largest purchaser you certainly could have chosen a different platform had you wanted too, be it Macintosh OS or Unix but chose not too. well my rambling is over now. just wanted to share my thoughts. Bill

MTC–00020076

From: Glasscock Family
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I am opposed to the current DOJ-Microsoft Settlement. I think this is a poorly crafted agreement that does nothing to slow down the Microsoft monopoly of the desktop operating system. I especially am opposed to the continued ''middleware bundling'' and the inability of OEMs to modify the desktop. Not all desktops have to be done the MS way.

Joe Glasscock
1232 Playfield
Prosser, WA 99350

MTC–00020077

From: Monique Gennari
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Against Microsoft Settlement

I am unhappy with the proposed Microsoft settlement as it does little to protect the companies that were harmed, which is necessary to restore competition to the software industry. I am a Mac user, which is one of the last realistic choices if one does not want to use Windows. Problem is Microsoft has a history of forcing Apple to stop competing in exchange for software or services that Apple needs to stay in business. One example is Microsoft Office. People will not switch to Macs (or continue to use them) if they know that they will have problems communicating with Windows users. Microsoft has made Apple give up technology, and stop using software such as Netscape's to as a condition to continue making Office. This is even though Office on the Mac is profitable for Microsoft. If Apple does not have Office, Apple will eventually die as a company. I will then be forced to use a platform I really do not like. Office started on a Mac, please keep it there.

Microsoft should be forced to make Office for the Mac, as it is a sword over Apple's head. Furthermore, Microsoft should be forced to make feature for feature versions of software such as Internet Explorer for the Mac. This is important because Microsoft effectively killed Netscape (a company that did make matching version of its software for multiple platforms), and is making browers for the Mac that many websites will not recognize. In other words Microsoft is not giving Mac users the same features that Windows users have. Some of these features are necessary to use some sites. Netscape never did this. If people cannot rely on the Mac platform to access the internet, people will abandon it even though they do not want to. If Apple did not have to worry about these threats it could concentrate on technology which would compete with Microsoft's without the fear of being forced out of business.

Keep in mind that Microsoft is making money off Mac products. I also think that any settlement should force Microsoft to unbundle competing software that other companies made popular and at one point were making a profit from. Two examples of these types of products would be Explorer (as Netscape made the browser popular), and Windows Media player (as Real Networks and Apple's Quicktime were the popular choices). It should be made clear that in the future such products should be unbundled, and Microsoft should charge people for the software if other companies invented the original software that Microsoft was competing with and these companies had to charge for it. Microsoft should also be forced to support Java, as doing so would enable programs to write programs that could be used on multiple platforms (Linuix, the Mac, Windows, Unix, etc.). Finally Microsoft should be supervised by a panel of people or a single person who had the direct power to enforce any settlement without having to jump through hoops to force compliance. Basically I agree with many of the suggestions that the dissenting states have provided, even though in some areas I think they need to even go a little further.

Thank you for your time.
Sincerely,
Thomas Paluchniak

MTC–00020078

From: Michael Hurd
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

I believe that the ongoing request for a delay on the beginning of the settlement hearing on the Microsoft case is ungrounded as the essential points of the settlement with the other petitions have long been addressed (such as the bootloader options on OEM installs for the OS).

Increased costs of litigation for all sides is factored in as well.

Regards,
Michael Hurd <hurd@bitstream.net> 0001 CST -0600 Jan. 24

MTC–00020079

From: cbrookes@iinet.net.au@inetgw
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement

Hello.

I don't agree with the settlement.

Microsoft have ruined the software industry using their monopoly power. They now get away with overcharging for their mediocre software using their monopoly power.

They keep changing their proprietry document formats to prevent any sort of open compatibility or standards.

They maintain their vice like grip on new PCs being sold, using their unfair contracts with hardware vendors and their monopoly power, to ensure that their products are the only ones to be pre-loaded, preventing any sort of competition.

They should be required to open their document formats to release their grip on the wordprocessing and spreadsheet markets, and they should be required to release hardware vendors and allow them to optionally pre-load their, or their customer's, choice of operating sytem and application software. Microsoft are an overpricing predatory monopoly and they are holding back the entire software industry.

Regards,
Craig

MTC–00020080

From: Joe Theriault
To: Microsoft ATR
Date: 1/24/02 12:59am
Subject: Microsoft Settlement

To whomever it may concern,

As a consumer and student in the computer technology sector I have an interest in the doings of and in the case against Microsoft. Being such, I feel it is my duty to voice my opinion of disapproval for the proposed final judgment. My observation of Microsoft leads me to believe that any weak judgment against them will not have any punitive effect and it may temper a perception within the company that they are able to break the law without consequence. If that were to happen, the technology consumer and employment markets may become irreparably damaged by their abuses.

Thank you,
Joseph Theriault

MTC–00020081

From: Jeff Mitchell (MCS)
To: Microsoft ATR
Date: 1/24/02 1:02am
Subject: Microsoft Settlement

MICROSOFT WILL PREVAIL!!! I love this company :-)

Jeff Mitchell
Microsoft Consulting Services
35/4606 ; ext. 50571
Cell 425–503–8295

MTC–00020082

From: MariahKate72@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:04am
Subject: (no subject)

I want to ask that a fair marketplace be established for all software developers and manufacturers and that Microsoft comply.

Thank-you,
Mariah K. Ross
81420 N. Davison Rd
Creswell, OR 97426
541–915–0171
CC:Livkixit@aol.com@inetgw

MTC–00020083

From: James H. Bombardier
To: Microsoft ATR
Date: 1/24/02 1:05am
Subject: Microsoft Settlement

Hello,

I have worked in the technology arena for over thirty years. I believe that Microsoft has abused its monopoly position much worse than IBM or AT&T ever did. I think that it is a travesty that they are not being severely punished for their excesses. They need to be forced to open their APIs at a minimum. It would return competition to the market if they were broken up into OS and Software pieces. If they are not separated and/or forced to open the APIs between the OS and all associated software they will continue to inhibit the evolution of good technology.

Please do the right thing. We don't need to increase the jaded national and international opinion of our ''justice'' system.

Regards,
Jim Bombardier

MTC–00020084

From: Andrew Ittner
To: Microsoft ATR
Date: 1/24/02 1:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly object to the Proposed Final Judgment in United States v. Microsoft.

It does not adequately punish Microsoft for its illegal monopoly, nor does it effectively prevent the corporation from continuing to engage in predatory and monopolistic activity. This Proposed Final Judgment will not end Microsoft's unlawful conduct, is not in the public's interest, and should be rejected.

Sincerely,
Andrew Ittner
11130 SE 208th St #E204
Kent, WA 98031

MTC–00020086

From: Jim Tollefson
To: Microsoft ATR
Date: 1/24/02 1:07am
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In specific, Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Why should Microsoft care what operating system ships on a PC, as long as they get their license fees on the copies that do ship. They are just trying to maintain their cash flow at the expense of consumers. Why should I have to pay for a copy of software (Windows) that I will never use. If OEMs were free of the threat of retaliation from Microsoft, I could purchase only the hardware and software that I need/want on my PC. Thus saving me money and frustration over the long term. By allowing this practice, the Proposed Final Judgement (PFJ) is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

I feel this should be prohibited by the PFJ.

Thanks for your time,
Jim Tollefson
Senior Systems Engineer
Seattle, WA
—
Jim Tollefson jimt@oz.net

MTC–00020087

From: Karl Schmidt
To: Microsoft ATR
Date: 1/24/02 1:08am
Subject: Microsoft Settlement

As someone who has been involved with PC from the first one I built—it is obvious that the Microsoft monopoly needs remedial action. Unless Microsoft is split into three parts—OS, application, and browser, there will be no consequence at all for the immoral and illegal activities. This monopoly has already set back computer development by 10 years. To understand, one only needs to look at the emerging Linux desktop to see the innovation that has been totally killed in the commercial world by this monopoly.

Karl Schmidt EMail Karl@xtronics.com
Transtronics, Inc. WEB http://xtronics.com
3209 West 9th Street Ph(785) 841–3089
Lawrence, KS 66049 FAX(785) 841–0434
Definition of Windows XP:
SPAM, thinly disguised as an operating system

MTC–00020088

From: Ted Estes
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement To whom it may concern,

I think the settlement, as currently designed, will not slow down Microsoft from continuing to abuse its monopoly. Furthermore, it does little to rectify the current ecology in the marketplace that is out of balance do to their abuse of their monopoly. There appears to be no punishment for their crime, just some chaperones to make sure they follow the letter of the settlement. There are also the concessions they have to make for VAR's and such, but that just brings them level with the law. All the way through this case, Microsoft has refused to accept any wrong doing, they have shown No remorse—No shame. How can you expect them to follow any law without respect for that law. There has to be punishment; which, unfortunately, is woefully lacking in this settlement. They cannot be allowed to behave like the predator that they are, while they are a monopoly. They need to be de-clawed, de-fanged and have their wings clipped until they are no longer considered to be a monopoly. At which point, they should be free to fend for themselves in the marketplace with whatever fierceness they want. To be clear, I do not believe they should be punished for being a monopoly. I believe they should be punished for abusing that monopoly; as was shown in the Court's ''Findings of Fact''. They cannot be trusted with monopoly status.

Respectfully,
Ted Estes

MTC–00020089

From: DJ
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement

Gentlemen and ladies, may I say, that as I've found Microsoft business practices so outrageous and intolerable that there is no longer the hint of trust required for me to continue using their products (even though I

have a difficult time switching to their competitors due to lack of experience with the competition's product), it is a moot point for me what you do to Microsoft. I have used their products since approximately the late 1980s, at work and at home, starting with the first version of DOS, and have recently tried Windows xp. Do you realize they have purposely disabled XP (home edition, the one they make exclusively available on new PCs) so it won't connect to a Windows 2000 network? This operating system is slow and hogs resources—with little if any user advantage and mostly to enhance Microsoft's market position while requiring consumers to invest in more RAM and hard drive space and faster CPU, simply to make it easier to track every hardware change, force the user to waste time jumping through registration and re-registration hoops. It appears to provide no benefit to the purchaser, which unlucky folks Microsoft means to force into unwanted and unneeded extra payments and upgrades(?) with its supposed new business practices which are the most abusive yet. If you do not provide relief for the abused consumer, it is a real shame and a missed opportunity to show what is meant by abolishing abusive business practices. As for me, it's moot, I'm going to open source operating systems, where there is still consideration for functional software and regard for the user of same.

Regards,

Denise Jensen<denij@execpc.com>

MTC–00020090

From: George Helmke
To: Microsoft ATR
Date: 1/24/02 1:09am
Subject: Microsoft Settlement

I feel that the proposed settlement is a bad idea.

George HElmke

US citizen living abroad

MTC–00020091

From: Dan Schmeidler
To: Microsoft ATR
Date: 1/24/02 1:09am
Subject: Microsoft

I appreciate the opportunity to make a few comments that have been on my mind for quite some time. Let me first start off by saying that I have been a Macintosh user since their inception and I made that choice simply because after much research and investigation I concluded that (dos) was simply to complicated and confusing. So I invested what I considered to be a substantial sum of money in Macintosh hardware and software to run my small business. If that were the end of the story I probably wouldn't complain because that system ran our business flawlessly without a hitch and was very user friendly. However as technology progressed so did my interest in using the computer for other purposes other than running the business. Unfortunately I started to see software titles for Macintosh disappear, and software titles for Windows increase substantially. As time went on Microsoft's monopoly was apparent to me long before the complaint was filed by the DOJ. Software developers who originally developed software for the Macintosh began to withdraw their support for the older versions of software that I had and they discontinued any new future versions. But the last straw for me was while I was at the local CompUSA store. I asked the salesman who worked there why most of the software developers had stopped developing for the Mac. This particular gentleman happened to work part time at this computer store but his full time job was teaching computer classes on both Mac and Windows machines at the local high school. Although he admitted that he preferred the Mac OS over Windows, he simply said that a lot of the software developers have a no lose situation with Microsoft because they pay them to write exclusively for Windows. In other words he said, what would you do if I were to guarantee you a profit regardless of whether your software sells or not? I have personally talked to some of these software companies tech support personel who pretty much confirmed what I had been told and quite frankly they were unapologetic as they dismissed my argument of fundamental fairness. My constant thought has always been that this can't be legal. I'm just one person who has endured the frustration of the Microsoft strangle hold on the entire tech industry. I cannot say that I suffered the damage that some of these other companies have but I can say that I spent almost 2 decades at considerable expense and with constant frustration just to be able to exercise my freedom to use the OS platform that I choose.

Contrary to Microsoft's claims that innovation will be stifled if strong remedies are imposed, they are not and have not been an innovative force in the industry and in fact for the most part have pirated the innovations of others and used their monopoly power to crush those who dare challenge them.

I believe the complaint filed by the DOJ against Microsoft was necessary and legitimate. I believe the courts have ruled correctly when they concluded that they engaged in illegal anticompetitive practices. I also believe that the penalty should be strict and substantial not only to punish Microsoft for the damage inflicted upon would be competitors, but to send a strong and clear message that Microsoft will not be allowed to dictate their will on the consumer, the technology industry, or the justice system from this time forth. I hope that the court will administer justice by placing maximum emphasis on doing what's right and fair to the minority consumer and companies whom the antitrust laws were supposedly designed to protect, rather than on Microsoft stockholders or others who may have a vested interest in Microsoft's success. From what I have read in some of the transcripts it is clear to me that Microsoft has proven to be untrustworthy and has seemingly attempted to use its monopoly power to impose its will on the courts by defying and ignoring the orders of the court. In my view a strong penalty imposed against Microsoft will ensure that if software developers desire to develop for multiple platforms they will have an equal financial incentive. It will also ensure that the different software titles for multiple platforms will be for the most part technologically equal and compatable, competitively priced, and released within a similar time frame.

Innovation and affordable pricing come from competition not monopolies. It is in the best interest of the consumer, the tech industry, and of the justice system.

Thank You,

Dan Schmeidler

1081 E 8175 S

Sandy Utah

801–561–5846

MTC–00020092

From: Scott Balfour
To: Microsoft ATR
Date: 1/24/02 1:13am
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement. It does nothing to redress the harm done by a convicted monopolist. They (Microsoft) were convicted on eight seperate counts and the ''settlement'' arrived at was ''go and sin no more''. This rewards illegal behavior. Under the law a corporation is a person, if a person was convicted of eight separate violations they would be facing a much greater penalty than the proposed settlement. When you add in the egregious behavior at the trial this settlement shows that if you are big enough the law does not apply.

R. Scott Balfour

Austin, Texas

MTC–00020093

From: erwien saputra
To: Microsoft ATR
Date: 1/24/02 1:11am
Subject: Microsoft Settlement

Dear sir/madam,

I would like to express my concern about MS/DOJ settlement.

I do not hate Microsoft, but I want to see good product will be able to go into the market and compete with Microsoft product. If the Microsoft should fail it should be because some other people created better product and Microsoft cannot do anything with its influence to crush it.

Microsoft said that their bundled app (browser, CD burner, instant messenger) are free, while actually the cost has been paid with the price of OS itself, regardless the customer wants it or not.

Sincerely,

Erwin.

MTC–00020095

From: Gregg Berkholtz
To: Microsoft ATR
Date: 1/24/02 1:14am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

As a full-time Senior Systems Administrator for a medium sized private company based in the Portland Oregon area, and a part-time small business owner, it is a painfully clear and daily reminder the extent

to which Microsoft has abused the public trust with its monopoly power. Please, reject this proposal in favor of a much stronger remedy. Today's information based society is particularly hard hit by Microsoft's crimes. The most cursory review of my day finds several obvious examples of the price that we all must pay for Microsoft's monopolistic actions. For example;

*Websites often display properly only under Microsoft's Internet Explorer. My opinion is that this is mostly due to the market dominance that Internet Explorer gained after Microsoft began to force the installation of Internet Explorer on all new computers, while simultaneously prohibiting the installation of other web browsers.

*My email accounts are regularly bombarded with unwanted and large emails containing the latest Microsoft Outlook virus. Microsoft has gone far in requiring the Outlook email client on new computers: In the Windows 95/98 world, Outlook can be uninstalled by someone who is proficient in computers. In the Windows 2000 world, Microsoft has a mandatory program/process that runs in the background that monitors files pertaining to Outlook, and forces it's installation (or re-installation)l; If you attempt to uninstall Outlook, Windows 2000 will either reinstall Outlook automatically, or you will be repeatedly prompted to reinstall it.

My opinion is that Outlook is more prolific because of the apparent requirement that it must be installed on all computers (irregardless of whether or not its'' components are being used), and that the lack of opportunity for competition in the marketplace has caused this generally forced acceptance.

*When I recommend to my friends, family, co-workers and customers that they buy a prebuilt computer from a major hardware vendor I must explain that it can only be bought bundled with Microsoft Windows. These problems exist, not because of a lack of consumer demand for a solution, or lack of a willingness to pay, but because Microsoft does not allow it. In-fact, in the computer industry, the requirement of the Microsoft OS on a new computer is frequently referred to as the Microsoft Tax.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. That the fact that even today they still continue to perform similar acts of deception. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only attempt to prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. The proposed settlement does not come close to recouping the illegal gains which Microsoft has made off American consumers much less come close to penalizing Microsoft for the illegal abuses. While it is doubtful that the true losses can ever be recovered from Microsoft in any settlement. The beginnings of a fair settlement should include the preeminent opening of all Windows and Office API's and file formats as well as large cash payments to open source programming efforts which compete with Microsoft products. In this way, Microsoft's ill gotten gains can be used for the public good.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Gregory James Berkholtz
PO BOX 16962
Portland Oregon, 97292
(503) 255–3650

MTC–00020096

From: Ron Peake
To: Microsoft ATR
Date: 1/24/02 1:21am
Subject: Microsoft Settlement Hello

In my opinion the proposed settlement is a bad idea. Microsoft Corporation has been convicted of abusing it's monopoly position but the U.S Government refuses to punish the Corporation.

Best Regards,
Ron Peake
(ron.peake@nic.fi)

MTC–00020097

From: Carl Browning
To: Microsoft ATR
Date: 1/24/02 1:14am
Subject: Microsoft Settlement

A real proverbial ''slap on the wrist''. It is very sad to see our once proud government pander to the interests of mega-corporations, especially on as blatantly abusive as Microsoft. Don't fool yourself into believing that you have done anything to protect the interests of the people. I make my living off of Microsoft products exclusively, and I hate the way Microsoft conducts business. In the last few years, I have begun to hate their products. Microsoft's paranoia about maintaining it's monopoly has not made their products any better (especially their server products). The more they integrate ''features'' into their software, the more difficult it is to configure and maintain.

It is probably too much to hope that the DoJ will take a second look at the ''settlement'' and realize just how weak it is. I suppose I can only hope that the DoJ staff will hang their heads in shame for their unwillingness or inability (take your pick) to protect the people of the United States.

MTC–00020098

From: mike stephen
To: Microsoft ATR
Date: 1/24/02 1:20am
Subject: Microsoft Settlement

My god. If you people in the courts let Microsoft get away with the monopolization of the entire personal computer market, and fail to show Microsoft that they cannot do illegal activities without paying a cost, then the future of the Personal Computer is doomed to continue running poorly written and poorly designed software for years to come.

Lest you be remembered as the people who could have done something about this issue, and failed to do so.

Please please do something to stop Microsoft from further screwing of the market.

Mark Stephen

MTC–00020100

From: DLG
To: Microsoft ATR
Date: 1/24/02 1:17am
Subject: Microsoft Settlement To whom it may concern,

It's my distinct opinion that Microsoft has clearly behaved in a manner most anticompetitive. They've stifled innovation, and produced products that, with proper competition, would never have survived.

—DL Gibson

MTC–00020101

From: Andrew Hagen
To: Microsoft ATR
Date: 1/24/02 1:15am
Subject: Microsoft settlement

I think it's a bad idea. It lets Microsoft off too easy.

I am a US citizen.
Andrew Hagen
xah@myrealbox.com

MTC–00020102

From: Urb's Mail 1
To: Microsoft ATR
Date: 1/24/02 1:15am
Subject: Microsoft Settlement

I am appalled at the current status of this antitrust issue. I pay taxes to a government that I thought would look out for the little guy and ensure that all innovators have an even playing field. This is apparently not the case. Microsoft has systematically destroyed any competitor that would challenge it's global dominance in the software industry. Their next goal once Unix is dead and Linux has been corrupted by their persistent methods of debunking it's benefits, will be to charge everyone rent for a piece of S/W that will never live up the the grandiose claims that are bundled with it. Imagine having to pay a monthly fee to access your files and your personal items. If you allow MS to force third party innovators to disclose their technology in order to certify it as MS compatible; then you might just as well tell everyone writing any code that they will have to allow MS to ''examine'' hence ''steal'' any code they develop. This company is notorious for stealing others good ideas. They haven't developed anything on their own merits. Your job as prosecutors is to see that MS stops their monopolistic business practices and punish them for past misdeeds. Do you actually think all the plaintiff testimony was created by a group of sour grape losers that just could not compete? This is bullshit! They were setup to loose by heavy handed and illegal business practices. I will get to the point! You have wasted my money and every other tax payers. Your

restrictions have no teeth and the piece of paper it is written on is no better than toilette paper. MS will continue stifling innovation and the only one who will pay in the future will be all of us. This great country was founded on innovation and invention. If there are no more innovators to challenge the status quo and hold them to high standards, then we will be left with a fat overgrown monopolist who can not comprehend the term. Make the people of this great country believe that you have a backbone. A strict judgment will only serve to make MS a better company by forcing them to fairly compete. If you fail to produce a fair judgment then you might as well be in Bill Gates'' pocket for life.

MTC–00020103

From: Paul Snow
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Microsoft Settlement

The proposed settlement is a bad idea for consumers because it does not address any of the basic issues with Microsoft's corporate behavior which led to the lawsuit in the first place. What the settlement does do is to reinforce in the minds of the common citizen and corporate leadership, the idea that corporations (if they are big enough) are above the law, do not have responsibility to society, and any means necessary justifies the ends of making money.

Paul Snow
psnow@nipha.com

MTC–00020104

From: M Nielsen
To: Microsoft ATR
Date: 1/24/02 1:16am
Subject: Microsoft Settlement

I am completely, entirely AGAINST the proposed settlement. Certainly consumers, developers, AND IT professionals are ALL hurt by the proposed settlement. In addition, the Open Source movement is dealt a particularly harsh blow: most of the settlement language only applies to ''businesses''—and for others (not-for-profits, etc), things will be worse than they were before!

Also... I hate to say it, but ''the children'' will be hurt, as well: the whole thing about Microsoft donating —er, pushing— their products (and/or training) onto schools is ludicrous and offensive. I can't believe that's part of the ''settlement'' (even considering the so-called ''revised'' settlement changes.) I've worked in both the for-profit and the non-profit software industry (schools, unfortunately, are very similar to the non-profit industry) for the past decade, and have seen the damage of Microsoft's monopolistic influence on productivity, technology, and in general on people's lives.

I'm rooting for the states who are fighting the settltment—they are the only ones who seem to have any idea about what this proposed settlement means.

Reject the proposed settement.

—Michael S. Nielsen {email: zeugma—msn@yahoo.com

phone: 913–906–7137

MTC–00020105

From: DCALLE24@HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DIEGO CALLE
88–11 CORONA AVE. ELMHURST
NEW YORK, NY 11373–3958

MTC–00020106

From: RM
To: Microsoft ATR
Date: 1/24/02 1:20am
Subject: Microsoft Settlement

22 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

Ms. Hesse,

I would like to go on the record as being against the Proposed Final Judgement in United States vs Microsoft. As a software professional and avid computer user I am dismayed that the Proposed Final Judgement does not go far enough in curbing the monopolistic behaviour of Microsoft. Microsoft was shown every indication in the past of not abiding with previous court-sanctioned limitations.

The only solution to allow access to the Operating System, as defined in the Proposed Final Judgement, to other Microsoft applications the same as non-Microsoft applications. If this means that Microsoft should be broken up then so be it.

Yours Sincerely,
Riad Mohammed
San Mateo, CA

MTC–00020107

From: Jim Gallagher
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

The biggest problem with the proposed settlement is that it fails to prohibit anticompetitive practices towards OEMs.

Jim Gallagher
10433 Camden Drive
Cypress, CA 90630

MTC–00020108

From: Aquinas Hobor
To: Microsoft ATR
Date: 1/24/02 1:19am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to register my stand in the Microsoft Settlement as a citizen of the United States of America. I am a currently a third-year at the University of Chicago, studying mathematics and computer science.

I have used many Microsoft products for over ten years; currently I use both Windows XP and Office XP, as well as Microsoft Money. Because I use these products, Microsoft has taken thousands of dollars from me, and it has been worth every penny. In fact, I would have been willing to pay double the price (and I do not have a lot of money.) Simply put, their products have greatly simplified my life, and I am very thankful. Their products are the best, both in terms of value and features. Windows (of various flavors) has always been easier to use than anything else out there, from MacOS to Linux to Solaris to HP-UX. I have used WordPerfect, Lotus Notes, and even the horrible Star Office. Microsoft Office is even more obviously superior among office products than Windows is among operating systems.

Every time I buy a product, I vote with my hard-earned dollars on a company. Like most other consumers, my overwhelming favorite is Microsoft. Our society is founded on the idea that each individual is capable of voting for a candidate to represent his political ideas. However, the Proposed Settlement characterizes US citizens as a helpless victims, unable to choose which products are best. How can I be considered worthy of electing people who can decide to fire nuclear weapons towards Afghanistan, and yet not be considered capable of deciding that Netscape is inferior to Internet Explorer? By what right does the Settlement propose to shackle me? Incidentally, I've noticed that Apple's Mac OS X ships with IE. Why is Microsoft's competitor allowed to use Microsoft's technology more freely than Microsoft is?

I've followed this case from the beginning, and from the very outset, it was neither consumers nor Microsoft's partners who brought suit: it was Microsoft's failing and failed competitors. To let failed businesses set the rules for successful ones in any market is wrong, but to let them set the rules in a sector that changes as fast as technology does is disastrous. For years IBM dealt with antitrust regulators who did incalculable damage to IBM, its shareholders, and the general public. Ms. Heese, don't make Microsoft, its shareholders, and customers like me suffer the same unjust fate.

Moreover, a suit of this kind will only encourage companies of all kinds to court government favors, both to protect what they have earned (in the case of the most honest) and to take what they want from those less well-connected than they are (in the case of the shadier). This is a dangerous game, and only the most dishonest and politically wired

companies can possibly win it. The Department of Justice should not be helping such people in any way.

Finally, I wish to inform the court that I am outraged that it is attacking Microsoft's property rights, not defending them. The proposed settlement is unjust: Microsoft's products have helped millions of people around the world, and the only proper course of action is to say, ''Thank you'' and let it go. Ms. Hesse, please let justice be served. Give Microsoft the thank you they have earned and let them continue doing what they do best.

Yours,
Aquinas Hobor

MTC–00020109

From: michaelcrass@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Crass
3831 Marshall Place
Gary, IN 46408–1926

MTC–00020110

From: Stephen Magill
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement

To whom it may concern,

I am of the opinion that the proposed settlement in the Microsoft anti-trust case fails to address several methods that Microsoft is using to lock out competition in the computer software industry. In particular, Microsoft's refusal to disclose file formats for Microsoft Office documents presents a significant barrier-to-entry in the business software sector. The secrecy of these file formats ensures that Microsoft's dominance in this area will be maintained, as it prevents competing products from working with the significant volume of documents created using Microsoft Word, Excel, and PowerPoint. Furthermore, disclosure of these formats does not harm Microsoft in any way. An examination of current open formats such as HTML, PDF, and MPEG verifies this. The critical piece of intellectual property is the authoring software, not the document format itself. All that releasing the details of file formats enables is additional competition and compatibility. Thus, any final judgment should include the requirement that Microsoft make publicly available the format for files produced with their Office suite of products.

Sincerely,
Stephen Magill
Student
University of Tulsa

MTC–00020111

From: Norman Siu
To: Microsoft ATR
Date: 1/24/02 1:21am
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to voice my complaint in regards to the pending settlement of this current lawsuit against Microsoft. In short, I believe that you are not punshing Microsoft at all. In fact, you are punishing all computer users in general. By allowing Microsoft into an area that it has no domination and little influence in, you are thereby opening the door of opportunity for Microsoft to monopolize another area of public interest.

Also, you are, in simple terms, telling people that Microsoft has the right to monopolize any area it wishes with little regard to everyone else and anything else such as innovation and creativity.

But looking at it another way, if you legitamize this settlement, you will also, potentially destroy that which drives Microsoft to compete. By letting Microsoft monopolize and reduce competition, there would be little for them to compare or compete against. Thereby causing Microsoft to no longer compete properly.

So, on one hand, you could destroy competition, innovation, and creativity by allowing this settlement. On the other hand, you could weaken Microsoft by having them destroy that which they compete against. But in the end, the settlement would not benefit anyone, but mostly it will hurt everyone.

Do not allow this settlement to go through. It would be in the best interest of everyone.

Thank you.
N.K.Siu

MTC–00020113

From: The Art of Pottery
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

Sir.

I believe that Microsoft is abusing its position of dominance in several ways. It dictates what a person can do with it's Operating system once they have paid for it.

As a Family man, I am being denied the right to use the operating system as I please on my own personnel computers.

I am also being denied the right to reload my computers after the system crashes (usually due to a flaw in the operating system) without pleading with Microsoft for permission and a new key-number.

Also I am denied the right to make a copy of the operating system to use when reloading for the umpteenth time,

Thus keeping the original in good condition.

This dictatorial attitude would not exist where it not for Microsoft's dominant market position or the existence of cartels similar to the Petro-chemical and Music industry's.

I believe I should own the right to use the product as I see fit within a legal framework that forbids my profiting by resale or gifting copies to third parties.

I understand the need for Microsoft to guard it's intellectual property but it is going beyond what is reasonable in a free democratic society and should be made to curb it's dictatorial ways.

David Doney.

MTC–00020114

From: Phillip Anderson
To: Microsoft ATR
Date: 1/24/02 1:23am
Subject: Microsoft Settlement

The DOJ settlement is NOT in the U.S. public's best interests, as dictated by the 500,000 poll we have taken, representative of an est. 87% of the concerned U.S. public—an unequivocal majority of the concerned U.S. public input.

There is a series of legal networks that will file suit against the DOJ if the current appeasement settlement goes through. This will cost the U.S. government an additional estimated $1.6 billion dollars, which is also not in the public's best interests.

Please take this cautionary note seriously. You are making a major mistake with the current ''settlement''.

P. Anderson, Ph.D.
Director
PC Research InterAlia Legal Network

MTC–00020115

From: Tom Mollerus
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Tom Mollerus

MTC–00020116

From: Scott Kazimour
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I'd like to express my opposition to the proposed settlement with Microsoft. I believe it does far too little to redress the past actions of Microsoft, and doesn't do enough to allow future competition. Microsoft has achieved its position of market dominance not through superior products, but rather through predatory business practices. Microsoft has stifled innovation in the computer industry, and consumers have suffered harm as a result. I've been in meetings with venture capitalists where new business ideas are rejected out of hand, simply because of the hint of a rumor that Microsoft might someday be interested in pursuing something similar, and creating a successful business would therefore be impossible.

I feel that more drastic action is required in order to restore an environment in which companies succeed through the traditional means of producing higher quality products at a lower price.

Sincerely,
Scott Kazimour
Software Engineer
Seattle, WA

MTC–00020117

From: Danny Hong
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To Whom this Concerns:

I am a highly concerned Computer Science graduate who has been following the actions of Microsoft for many years. I have found nothing but greed, deceit, thievery, and blatant usage of their monopoly to ruin any and ALL innovation in the software industry. Unlike their utter lie about freedom to innovation, Microsoft's chief goal is to keep and extend their monopoly by ANY means possible. That includes buying out good companies, killing off other good companies(Ex. Netscape, Lotus, Dos-Clones, Linux, etc), or doing deals that give Microsoft their own upper hand. If you allow them to continue their actions, one day the computer industry will come to a standstill and the US economy WILL suffer. It's already very disgusting that a company can get away with 100% profit margins without running into many legal problems. It's even more disgusting that Microsoft has named our last best hope for survival in the form of open source as it's target of demise. Linux is one of the few last remaining hopes to let people be free to create software without a monopoly controlling what we can do. I'm also highly disturbed by Microsoft's latest action to block off games from being made on an open platform. They have acquired intellectual property of SGI that could be used to prevent OpenGL from being used or supported. It seems to be another attempt to force every game developer in the world to use ONLY microsoft products. I remember capitalism being about competition, the word competition is the opposite of anything happening in the influence of Microsoft.

Sincerely,
Daniel Hong

MTC–00020118

From: Wayne Horner
To: Microsoft ATR
Date: 1/24/02 1:23am
Subject: Microsoft Settlement

I oppose the proposed settlement.

Microsoft should be tried under the rico statutes—they act like the mafia.

Their proposal to give away computers to scholls is ludicrous—it would be a marketting enhancement not a punishment.

Microsoft is stifling growth in the computer industry. They are too big—they have enough power to kill any competitor. There should be a stripped down featureless version of the OS. It should be like buying a car. If I want to NOT buy your overpriced crappy stereo then I should be able to buy a stripped down car and put the money toward a stereo that I prefer. I should not be forced to accept all of microsofts ''features''.

MTC–00020119

From: Alan De Smet
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

I am writing I am writing to comment on the proposed settlement in the case of United States v. Microsoft Corp, as allowed by the Tunney Act. The Proposed Final Judgment will not change Microsoft's use of monopoly power to illegally engage in anti-competitive behavior.

I am a software engineer. I have professionally developed software for four years. As a result of Microsoft's overwhelming market force, I have primarily developed applications for Microsoft operating systems and middleware.

The Proposed Final Judgment has several significant flaws. Most importantly, section III.J allows Microsoft to hide documentation on APIs and Communications Protocols if the documentation would compromise the security of one of more systems. This exception is unnecessary. A well designed and implemented system is in no way compromised by the release of documentation on it. If a system's security could be compromised by the release of documentation on the system, the system is insecure. Microsoft is capable of developing secure systems, however historical evidence indicates that Microsoft has chosen not to do so. By providing this exception, Microsoft is free to conceal essential documentation from OEMs and ISVs by using insecure systems whose security would be weakened by the release of the documentation. Relatedly, the definitions which define which APIs and Communications Protocols are covered fail to cover the most essential APIs and Communication protocols which are part of the Barrier to Entry competitors face. To be truly effective, all APIs, Communications Protocols, and File Formats used by Microsoft Office products (including Word, Excel, Access, PowerPoint, and Outlook) must be made available to all ISVs. Without this information, ISVs will be unable to compete in the areas of operating systems or office productivity applications. Because of Microsoft's monopoly position, competing ISVs must provide extremely high levels of compatibility with Microsoft's Windows operating systems and Microsoft's Office application. If Microsoft is allowed to keep these interfaces secret for any reason, Microsoft will continue to manipulate them to produce incompatibilities with competing software.

The Proposed Final Judgment significantly fails to limit Microsoft's use of monopoly power to stifle competition. Without significant changes, Microsoft will continue to use its monopoly position to crush competition and illegally maintain its monopoly position.

Sincerely,
Alan De Smet
8531 Greenway Blvd #206
Middleton, WI 53562
desmet.3001@highprogrammer.com

MTC–00020120

From: Digital ChoreoGraphics
To: Microsoft ATR
Date: 1/24/02 1:26am
Subject: Microsoft Settlement

The Microsoft settlement is not in the public's or the computer industry's best interests.

—Don Black
PO Box 8268
Newport Beach, CA 92658
1–949–548–1969
(c) Copyright 2001—Digital ChoreoGraphics
World Class Digital Imaging Software
Embedded Realtime System Software
Design and Development
1–949–548–1969
http://www.dcgfx.com
dcg@softcafe.net

MTC–00020121

From: Matthew Bass
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express a deep seated concern over the pending Microsoft Settlement.

While I would be delighted to elaborate on several points—I think the best summary I've found so far can be located here: http://www.kegel.com/remedy/remedy2.html I would highly encourage everyone involved with the case to review said documentation—for it does an excellent job outlining the problems associated with the pending settlement.

Microsoft has done an excellent job positioning itself as the ''core'' of the ''Information Technology'' universe. For that they certainly deserve credit. However, their business practices can be likened to those of Rockefeller's Standard Oil empire.

Microsoft does not ''compete'' with others. They either incorporate the competition into their empire—or they crush it (e.g. Netscape, DR-DOS, etc). There is no competition.

Beyond the lack of competition—Microsoft goes out of their way to prevent their applications (word/excel/etc) from running on NON Microsoft Operating Systems—even if the OS is ''compatible''—and the application would work. The EULA (end user licensing agreement) specifically prohibits an end-user from running a Microsoft application (like Word) on a NON windows based PC. Please see the following link for more detail: http://www.kegel.com/remedy/remedy2.html#isv.atl

Furthermore, Microsoft actually goes out of it's way to incorporate INTENTIONAL incompatibilities in it's products to thwart competition. Many years back there was a product called DR-DOS—which by all accounts was as good (if not better) than the Microsoft product (MS-DOS). When Microsoft moved into the realm of ''Windows''—they incorporated INTENTIONAL incompatibilities into their product—so Windows would ONLY run on MS-DOS. Needless to say DR-DOS was short lived thereafter. For more information click the link below: http://www.kegel.com/remedy/remedy2.html#caldera

Need I even mention Netscape?

It is imperative that something be done about the present situation— certainly more than is proposed in the pending settlement. Information Technology is becoming an increasingly important part of everyday life. It would be a grevious mistake to allow a single entity to wield such broad control.

I thank you for your time and patience—it is sincerely appreciated.

Matthew Bass

Gilroy, CA 95020

MTC–00020122

From: LaurDaly@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laura Daly
8070 West Russell Road
Unit 1067
Las Vegas, NV 89113

MTC–00020123

From: Tanya Red
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Harshness for the Microsoft Monopoly

As someone who uses computers casually, but frequently.. As someone who is not a part of the business world, but is surrounded by, and fervently watches the events around her, with this case, and is thusly intimately affected by it.. I must state my utter disappointment in the ability of Microsoft to squeeze by our justice system with its money and lobbying.

This is a company which fixes polls (See ZDNet), and lies whenever it can to further its own means. This is a company with such a hold on the desktop market that it can dictate what tools the masses use to do every computer related function of the average business world, from what programs they use to make spreadsheets, view the Internet, and even what games they play, increasingly so.

What's good for Microsoft is not what's good for America, contrary to the similar view regarding GM in the not so distant past.

I implore those who read this one E-Mail to hear my voice, and ensure that Microsoft not only plays by the rules, period, but that the rules are truly deserving for a company which so blatently violated the computer industry, and the trust of millions, without most people —even knowing it—. A company so disgustingly adept at snow jobbing the world, whether its through fixed polls or outright lying denials, that its fooling us into selling control of more and more of our own lives to it.

A corporation should never hold this much sway over the lives of our fair nation, period. That should be in the relm of our government, our justice department, and I hope that its stronger than this!

Please, do your best to make Microsoft fair, before the Europeans prove we can be bought out corruption, money, and lies. We all win when we have a choice. We all win when have freedom beyond the will of one vicious corporation. Please, hear my words, and take them into account, as a loyal citizen of our nation, that I have been injured by Microsoft, and demand that they be accordingly treated as the criminals they've been proven to be!

Tanya Ruppell, New Jersey Resident.

MTC–00020124

From: Andrew Carpenter
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: Microsoft Settlement

To whom it may concern;

I wish to register my opposition to the proposed settlement in the Microsoft antitrust trial.

I do not believe this settlement provides adequate redress for Microsoft's past actions, nor does it sufficiently restrict it from committing similar acts in future. Some clauses in the proposal may even serve to legitimize some its activities which have been found to be anticompetitive. Microsoft has already demonstrated its willingness to flaunt a settlement agreement related to antitrust actions. Any future settlement it enters into will need to be absolutely watertight to prevent exploitation of loopholes, and I do not believe this agreement meets such standards even for the terms it does seek to enforce. Microsoft's happiness with the current proposal—and its apparent eagerness for it to be adopted —should serve as further indication that it is an insufficient solution.

I urge you not to accept this proposal, and to seek an alternative remedy. I can understand the court's preference to reach a settlement, but if the parties cannot agree on terms that will provide appropriate redress for past actions and restriction for future actions, then the court must impose more stringent remedies itself.

Sincerely,
Andrew Carpenter

MTC–00020125

From: Spam Hater
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

Hi

My opinion on the Microsoft Settlement:

This is a small person in a big world speaking out against a wrong that will(or could) one day bring the world as a whole to its knees(read FBI security report). In that world you and your country will be controlled, as are those who are in control of you. Microsoft is gaining power everyday, one day, NO ONE will be able to do what NEEDS to be done. Before it's to late, stop them! Don't settle until you and your government are in control. If you don't do it now, later may be to late. If you think I'm wrong, try surfing the internet with the ''Options'' that are out there. ''Opera'' is a great browser available for ''all'' systems to use, but ''many'' sites don't load... ''Microsoft Enterprise'' server run sites. So you get forced back to ''Internet Explorer''. So what, I can hear you say, well one day, if you ''piss-off'' ''Bill'' maybe your internet tax returns will all go missing... what are you going to do then? Say bad Bill? Naughty boy! Think it can't happen, ask ''Steve Jobs'' he'll tell you what ''Bill'' can do for you. ''Make Our Browser Default Or You Don't Get Office.'' What could he do? Nothing! Now it's default on all Apple computers. As far as I can see, BILL GATES paid ''someone'' off BIG TIME to make this all go away, man it must be great to be the RICHEST MAN IN THE WORLD you can BUY your way out of ANYTHING! What did he do buy the election (or fix it, it was WINDOWS machines counting those ballots... right)? The Democrats lost, so the bosses would get changed, so the case would go away. LAND OF THE FREE alright... anything can happen for the right price $$$$.

MICROSOFT SUCKS!!!!!

Thank you for your time(although I know I've wasted mine) Brad Harrison(Apple user)

MTC–00020126

From: Dr. Martin Senftleben
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: disagreement

Madam, Sir,

I do not agree to the settlement that is currently going to be discussed between the States of the USA and Microsoft. With this settlement, Microsoft's market position would be further strengthened, alternatives would be removed from the market, and eventully we would be depending only on this one company in executing all the tastks for which we use computers. It's the freedom of choice that is at stake. So please, consider the facts carefully and decide for the good of the people whom you represent, and not for the good of a company which becomes increasingly dangerous.

Thank you,
Dr. Martin Senftleben

MTC–00020127

From: maxwell@nodots-daemon@inetgw
To: Microsoft ATR
Date: 1/24/02 1:16am
Subject: Microsoft Settlement

I'm writing to express my vehement objection to the proposed Microsoft antitrust settlement. Both as a citizen and as a professional computer programmer, I respectfully insist that Microsoft face a meaningful punishment for its unlawful actions. The proposed settlement doesn't even come close.

In large measure, the settlement merely restates the existing law or the earlier settlement agreement—this does not punish Microsoft in any way.

The remaining portions of the settlement contain loopholes big enough to drive a monopoly through. For example, Microsoft gets to choose to whom they will disclose API and protocol documentation. Microsoft has already made it clear that its most serious competition, open source software, does not meet its criteria for an ''authentic and viable'' business (to use language from the settlement). In any event, if their past behavior proves anything, it's that they will

not make such decisions in good faith. (Indeed, their bad-faith actions led to the current trial: absurdly, Microsoft claimed they were ''integrating'' their Web browser but not ''bundling'' it. A distinction without a difference if I ever saw one, but it enabled Microsoft to unlawfully crush yet another competitor.)

Adding insult to injury, Microsoft can entirely sidestep those already limited and ineffectual disclosure requirements by claiming that they must do so for security reasons. This provision is a complete absurdity: it may be counterintuitive, but true security is achieved by using open standards, which can be inspected for flaws by the broader security community. You may be sure that Microsoft knows this, so it's worth contemplating why this measure is in the agreement at all. There is only one answer: to enable Microsoft to emasculate the agreement whenever its provisions are inconvenient.

The proposed oversight committee cannot usefully address these concerns, or the dozens of others like them, for two main reasons. First, Microsoft itself will have considerable control over the committee, as Microsoft chooses one member directly and one of the other two members indirectly. (I hope that if I ever break the law, I get to choose my own parole officer.) Second, the committee would generally operate in secret, so serious objections on the part of the committee's only truly independent member may never reach the public. This mandated secrecy, coupled with the committee's guaranteed ineffectiveness, must inevitably erode any public confidence in the committee's trustworthiness—and, by extension, in the justice system itself.

Finally, I object to the settlement on philosophical grounds. I believe that the law should apply to the rich and powerful—including rich and powerful corporations—just as it would apply to you or me. If I robbed a bank, I'd expect more punishment than a stern warning not to do it again. At the very least, I imagine I'd be required to forfeit my ill-gotten gains (which, in Microsoft's case, amounts to tens of billions of dollars), in addition to harsh punitive measures. If Microsoft's punishment is any less severe—well, then I guess I'll know what the law is worth.

Thank you for your kind consideration.

Scott Maxwell
1403 Dominion Ave N
Pasadena, CA 91104

MTC–00020129

From: tilton@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 1:30am
Subject: MicroSoft Settlement

I have read about the proposed settlement and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors and to consumers in general.

It is my belief, as a computer user and as a professional in the computer industry for more that 20 years, that MicroSoft has caused as much harm as they have good in the software industry. As a minimum I say that the DOJ and US government should be putting a stop to Microsoft's monopoly by forcing them to;

A) keep their file formats non proprietary, documented and open

B) unbundle applications from the operating system

C) release the source code for the operating system

D) ensure that they include and adhere to industry standards and protocols that allow communication and data sharing between MicroSoft and non MicroSoft products alike. i.e. no more embracing and extending a standard.

E) stop using its position to prevent suppliers of computer hardware products from offering or installing alternative non MicroSoft software products in addition too or instead of MicroSoft software on their products.

As it is proposed the current settlement simply appears that the government is unable to negotiate the necessary settlement to protect and act in its citizens best interest.

Thank you for this opportunity express my opinion about this matter.

Sincerely,
William T. Tilton
1304 W. Kirby Ave.
Champaign, Illinois 61821
tiltont@home.com

MTC–00020130

From: hyoung@dcr.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:25am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Mills
294 Cove Road
Shelbyville, KY 40065–8924

MTC–00020131

From: Steffen Hulegaard
To: Microsoft ATR
Date: 1/24/02 1:26am
Subject: Microsoft Settlement is horribly unfair to everyone but Microsoft

Microsoft is an unmistakable monopoly. Microsoft systematically exploits both economies of scale and economies of scope (so-called network economies) to force free market failure. The marginal cost of software production is zero. That is a novelty for a item of commerce. The strong synergy between one ''software'' product and the next is a new and uniquely powerful economy of scope (network economy). These economies induce a massive free market failure (for software) and promote the formation of a nasty monopoly. Microsoft is that monopoly. Even worse, consumers of software products labor under severe informational constraints. They are often not able to rationally judge some of the critical claims made for or against software products. Fear, uncertainty and doubt (FUD) have become incredibly powerful factors in the software markets. Microsoft systematically exploits these information externalities to further restrain the free markets (i.e. to solidify it's monopoly). As if this weren't enough, Microsoft also engages in a wide variety of specifically illegal business practices. Microsoft has been tried and convicted.

The damage to the U.S. economy is huge. As we speak, our leadership in the software industry dissipates as the world moves to open-source software like Linux. Microsoft's monopoly is triple strong ... but the world's consumers are retaliating. Slowly. Steadily. Inexorably. Microsoft can no longer hold back innovation while foisting layers of increasingly expensive, utterly proprietary (addictive), fat, slow, bloated, insecure and buggy software on the world. It is hard to imagine that the basic operating system technology of the 1960's is still missing from the likes of MS-Windows ME. Microsoft's big lies about ''innovation'' don't fool everyone. The terms of trade are being redressed. Microsoft's shackles on software innovation will be broken.

Much of the software industry might be torn down to get rid of Microsoft. The U.S.A. will regret this unnecessary price. Rather than let Microsoft buy the proposed wrist slap of a penalty, we should all insist that Microsoft be broken up into at least as many pieces as the pre-breakup AT&T. The proposed ''settlement'' is a farce. It does nothing to the Microsoft monopoly.

It even allows them to extend and strengthen their unfair monopoly. It shakes my confidence in the justice system itself. Is justice for sale?

Please consider that Microsoft is demanding that employees and relatives of employees send in comments supporting of the proposed settlement. The world sees that Microsoft is making a complete mockery of U.S. Law. Microsoft spends freely on transparent and egregious tricks to arrogantly ''buy'' justice. Please re-read Thomas Penfield Jackson's findings in this case. The truth matters. A real remedy is required. The proposed remedy is a despicable joke.

Steffen Hulegaard
50 Baccharis Place
Tiburon, California 94920

MTC–00020132

From: Clay Berlo
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: Microsoft Settlement

Although I am a Canadian citizen, I feel the effects of the massive influence Microsoft has

over the computer industry overall, and witness every day its dominance of end-user computing. If I could suggest any one thing that might make either a settlement or punishment for Microsoft's abuse of its monopoly status, it would be this: for as long as Microsoft continues to practice predatory, illegal tactics as standard business, bar the use of their operating systems and software products from use within any governmental organization, including all educational and health care institutions.

While ''suffering'' through the alternatives available would be a difficult transition, supporting transgressions only provides further opportunities to transgress. Supporting what little competition remains for Microsoft would serve to provide a means to stimulate real competition once again within the computer industry.

Thank you,
Clay
clay@berlo.com
www.clay.berlo.com

MTC–00020133

From: fislam@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Greetings !

Greetings !

I don't agree with this ruling in Microsoft vs. DOJ. Our great country is built on justice and liberty for all, not by rewarding the guilty and punishing the good. Microsoft is the guilty party, and if the punishment is not strong enough, it will continue on with it's current behavior, as it has done so many times in the past. Please do not make the same mistake. I believe one cannot buy justice in these great United States of America.

Thanks.
Faisal Islam
2116 Rose Hill Road
Carrollton, TX 75007

MTC–00020134

From: Bruce Campbell
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Proposed settlement with Microsoft

The proposed settlement does nothing to control the use of monopoly power by Microsoft to further expand its dominance of the software market. If Microsoft were required to document the API calls that their present and future office suites uses then other Operating systems could emulate Microsoft windows allowing customers more choices in the hardware and software that would be appealing to businesses.

MTC–00020136

From: ross
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Microsoft Settlement

I'm against the ruling.

API disribution timing is to late & is hardly inforceable with the proposed language.

Otherwise I just have a complete lack of confidence in the ablitiy of the Gov. to control the MS monopoly without splitting MS's OS monopoly from its software business. MS consistantly limits techonological advances available to the masses. Every feature of the MS OS's has previously existed in other OS's. Every Microsoft OS has been behind the times and that is directly attributable to its monopolist policies.

IF YOU CAN'T SPLIT MICROSOFT(which you should) THEN PLEASE DON'T LET THEM LOOPHOLE THE DECISIONS.

Ross M. DeStafeno
Computer Systems Engineer

MTC–00020138

From: Stephen Kick
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

If this settlement is approved then Microsoft will have free reign to do what ever they want. As a minimum all interfaces and file formats for their products should be freely available.

MTC–00020139

From: Bill Udell
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

The settlement as proposed is a bad idea.
-Bill Udell

MTC–00020140

From: Don Cumbest
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Microsoft is a great company. Many consumers benefit from the compatibility of its operating systems. The costs are reasonable. The company improves its products. Internet Explorer is FREE. Having a standard for computers is great. It makes it easier for most people to use computers.

MTC–00020141

From: Ken Watson
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

MicroSoft's proposed settlement, which barely slaps MicroSoft on the wrist while incidentally giving that company a welcome and gratuitous entry into the K-12 (education) market, is not only inadequate, but would be a glaring scandal to anybody that understands the issues involved.

Ken Watson
Senior Systems Technologist,
Vancouver Teleport Ltd.
+1–604–881–8500
+1–866–881–8500 NA toll-free
+1–604–881–0159 fax

MTC–00020142

From: Bob Horvath
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

I have been in the software industry for 18 years. I have watched Microsoft grow to become the monopoly it is today. It has clearly done this not through technical innovation, as they would like people to think, but by making business agreements which destroy competition. This is clear looking at past court cases, as well as the recent antitrust case.

The settlement is clealy political, and will not do a thing to change Microsoft's monopolistic behavior. Please reconsider this settlement agreement.

The other monopoly that has not been looked at is Office file formats. These have been forced onto consumers in a way that ensures Microsoft will get lots of upgrade business.

The settelement is much too narrow, as it limits itself to products that already exists, NOT future ones.

I am very disappointed in the antritrust division, and feel let down.

MTC–00020143

From: Noel Sturm
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

The Microsoft settlement is NOT in the best interest of the public or the computer industry.

Dr. Noel S. Sturm, Associate Professor of Chemistry
California State University
1000 E. Victoria
Carson, CA 90747
(310)243–3383

MTC–00020144

From: Kenneth Frost
To: Microsoft ATR
Date: 1/23/02 11:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to let you know that I am against the current Microsoft antitrust settlement that was reached by the DOJ and Microsoft. This does not go far enough to stop the continued abuse of the public trust through illegal monopolistic practices. The abuse consists of Microsoft's use of proprietary formats and protocols that have the intent of locking me into using their operating systems and software products.

With most people, through ignorance, buying into Microsoft's solutions, the end result is no choice and no competition. It is only a matter of time, where I will be forced to use Microsoft services to gain access to the internet or for that matter to do anything with a computer. This to me is no choice at all and hurts me and other consumers like me. I currently cannot purchase a system that comes with a dual boot hard drive where I can either boot into Redhat linux or boot into Microsoft windows. This is a product of Microsoft's restrictive licensing practices with OEM's.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Kenneth Frost
k.frost@snet.net
5 Golden Hill Lane

Shelton, CT 06484
Tel: 203–929–8267

MTC–00020145

From: Andrew Sweger
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata B. Hesse, et al.:

I think the currently proposed Microsoft settlement is a bad idea that will only encourage future abuse of the consumer's best interests as well as the industry.

Sincerely,
Andrew Barak Sweger
13715 Ashworth Ave N
Seattle, WA 98133–7119

MTC–00020146

From: Jared Counts
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

My name is Jared Counts, and I do not believe that Microsoft should be mollycoddled by the federal government. Letting them buy their way out of this suit would be letting them exercise what got them into this suit in the first place. We cannot have one corporation dictating how the world does their computing, and silencing the competition through the sheer weight of their numbers and/or money. They are not l33t. They deserve de4th. Thank you.

MTC–00020147

From: Larry Bogert
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft

I am against the current settlement of DOJ vs. Microsoft.

Larry Bogert
Oradell, NJ

MTC–00020148

From: Geoffrey Prewett
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

To whom it may concern,

I am writing this letter to express my opinions of the Justice Department's proposed settlement of the Microsoft case. The proposed settlement attempts to prevent the specific abuses of monopoly power that were used against Netscape. However, the proposed settlement has two major flaws: it does not provide for a punishment for the abuses and it does not effectively prevent further abuses.

When a person is found guilty of breaking a law, a punishment is demanded for breaking the law. The punishment is payment for breaking the law; atonement, as far as it is possible. The punishment also limits the dishonest gain that the guilty party can realize from the breaking the law. The proposed settlement does not appear to contain any punishment for Microsoft, only remedies aimed at preventing future trespasses. The 1994 consent agreement was designed to prevent future trespasses; it failed. Twice Microsoft has been guilty and a punishment needs to be required. The proposed settlement includes no such punishment.

Not only does the proposed settlement contain only prevention for the future, and no punishment, but the prevention is not effective. First, Microsoft has repeatedly and flagrantly violated the spirit, if not letter, of the law. During the trial its officers and employees have shown a contempt for the court by, among other things, allegedly rigging demos. The company has shown no contriteness since then, but has continued business as usual. There is nothing to suggest that Microsoft is going to obey the spirit of the proposed settlement any more than the 1994 agreement. Second, the proposed settlement addresses the specific complaints at the time of the trial but does not address the fundamental problems which caused the complaints. For instance, the proposed settlement address the licensing of certain, specific desktop icons. It does not prohibit the principle that caused the licensing problem: the selling of discounted versions of Windows provided that OEMs engage in certain behavior with respect to *non Microsoft* products. Under the proposed settlement, the only provision is that Microsoft cannot place restrictions on browser icons. It may still provide discounts if computer manufacturers do not ship computers with competing operating systems, for example.

I conclusion, I oppose the proposed settlement because it provides no punishment for Microsoft's actions and because the prevention remedies will not be effective in promoting competition in areas other than the browser.

Sincerely,
Geoff Prewett
Software Engineer

MTC–00020149

From: Joseph ''Jofish'' Kaye
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. Microsoft's behavior during the trial and during this comment period has shown an almost total lack of respect for justice; I encourage you to rethink the settlement.

Sincerely,
Joseph Kaye
doj@jofish.com
Somerville, MA

MTC–00020150

From: Stephen Friedman
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

Dear USDOJ,

Because this is something of a new issue in the courts, it seems the proposed is too vague to adequately protect the software developers from Microsofts restrictive licensing practices. In several cases, it allows Microsoft to include provisions in its licenses that could potentially prevent the distribution of software that competes with other Microsoft products based on the use of one Microsoft product in the competing software's development or distribution. This is harmful to the free development of software and the improvement of the software market as a whole, and is restrictive and somewhat incapacitating for future software developers such as myself. Please revise the final judgment to protect hard working Americans from the restrictive and debilitating licensing practices of Microsoft, so that the electronic community can continue to grow and flourish in the United States.

Stephen Friedman
Harvey Mudd College
Computer Science/Engineering 2003

MTC–00020151

From: Michael Casteel
To: Microsoft ATR
Date: 1/24/02 1:34am
Subject: Microsoft Settlement

I am a software professional who owned a sizable software company (not a competitor to Microsoft) for 20 years, giving me considerable exposure to and experience in the software market. I agree with the editor of eWeek, a computer trade periodical, that ''...the proposed settlement of the United States of America and nine states vs. Microsoft is as toothless as the consent decree of 1995. Microsoft again must make only nominal behavior changes. In return, it gains legal protection for many practices that landed it in court.'' From the viewpoint of this software professional, the proposed settlement is an unfunny joke, and it should be rejected as counter to the public interest.

1. This agreement seems to permit Microsoft to continue to impede third-party products that sold less than 1-million units the year before. This simply permits Microsoft to impede innovation. New,

innovative products often sell fewer than 1-million units in their early years.

2. The agreement appears to permit Microsoft to keep secret APIs that ''compromise the security of ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. This means that competition and innovation will continue to be stifled in areas such as multimedia, e-commerce, messaging and file sharing, while Microsoft's monopoly power will continue to be enhanced.

3. The agreement specifically excludes servers, PDAs and handhelds, and maybe tablet PCs. This leaves Microsoft free to continue to leverage its desktop monopoly in order to impede competition and innovation in these areas, which are not yet monopolized by Microsoft.

4. The agreement seems to give Microsoft legal protection to add whatever it wishes to its operating systems. These terms will unbridle Microsoft to freely use its monopoly power to crush any future innovative competition in the same way it crushed Netscape. This would entitle them to bundle a clone of any innovative technology which becomes popular with the ''operating system'' for ''free'' and thus cut off the innovator's revenue stream. In Mr. Gates'' words, their ''air supply''. Then, Microsoft can continue to sell upgrades to the new, expanded ''operating system'' in order to capture that revenue.

5. Finally, where is the penalty for their past illegal behavior?

Microsoft's monopoly abuse has in the past impeded innovation by crushing (and thus making examples of) innovators such as Netscape. The industry, and the public interest, benefit from *more* innovators in software, not fewer. Please, even if you do not extract a penalty for past abuses, do something to prevent Microsoft from continuing to abuse its monopoly position by stifling competition. Most of the innovation in our industry comes from outside Microsoft. Failing to restrain Microsoft will cause our industry, and the public interest, to suffer.

Mike Casteel

mac@casteel.org Seattle, WA

MTC–00020152

From: markthome
To: Microsoft ATR
Date: 1/24/02 1:38am
Subject: AOL court case against Microsoft

Dear Sir/ Madam:

I hope that you will try your utmost to get the parties involved in technology competition to try and cooperate with each other so we, the consumers, will have the benefit of their talents through better and cheaper technological advancements.

I feel these court cases are a burden on the economy, and share a lot of the blame for the decreased value in 401k's. Too bad that the people going to court over these matters, don't share in the loss of savings plans that the rest of us experience.

Respectfully,

Mark W. Thome., Bellevue, Washington 425–641–1979

MTC–00020153

From: Craig Mitchell
To: Microsoft ATR
Date: 1/24/02 1:38am
Subject: Microsoft Settlement

To whom it may concern,

It sickens me to see Microsoft get away with corporate murder ''for the good of the people''

It sickens me to read a verdict form a judge that finds guilt with Microsoft practices and no ''real'' punishment is given.

It sickens me to see Microsoft continue its backstabbing tactics, unfairly squeezing out competition all while putting on a sham in the courtroom and public media purporting thier innocence.

It sickens me that as ''punishment'' Microsoft gets to give away ''free'' software which in reality gains them new customers and benefits them.

It sickens me to know that no matter what happens, the punishment will be inconsequntal to Microsoft and will not discourage continued illegal behaviour.

It sickens me to know that our Justice Department is teaching future business leaders that the ''Microsoft way'' is the best way to do buisness in America.

Shame on you all.

Craig Mitchell

MTC–00020154

From: Alexey Mohr
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

Microsoft's antitrust practices are far-reaching and of substantial negative impact to essentially every single market that they feel it is their place to enter. Something has to be done before there are Microsoft-brand cars and Microsoft-brand cereals.

Their stagnation in those markets that they have managed to completely monopolize vividly represents the exact fears of those who initially composed the various laws against anti-competitive practices. As a user of Macintosh computers, the only truly viable alternative to Windows-PCs for consumers, and as a 4-year veteran of MacOS/Windows phone technical support for Boston University, I can honestly say that Microsoft's products are objectively inferior yet painfully ubiquitous.

Simply put, they must be stopped.

They have managed to destroy competition in one genre after another, and they only keep expanding. They are a plague upon the entire tech industry. A more drastic perspective demonstrates that they are even quite dangerous for national security; by forcing the military and the federal government to use their utterly flawed software due to a complete lack of viable alternatives, they put the entire country at great risk. In this information age where terrorists turn to computer hacking, having America's most valuable secrets protected by the spit and gum that is Windows XP is blatantly detrimental to the entire nation, and potentially the entire world.

Fining them is pointless. As is giving them babysitters to watch their every move. The only solution is to split the company into several different divisions and force competition between them. Please act quickly, for the good of every person exposed to modern technology.

- Alexey Mohr, atm@bu.edu

MTC–00020155

From: matthew@epiphanycorp.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:29am
Subject: Microsoft Settlement

Dear sir or madam:

The proposed settlement with Microsoft is a bad idea.

It is not even remotely sufficient to ensure that they do not continue to use their monopoly in computer operating systems to destroy competition in other areas.

Microsoft has a long and well-documented history of abuse of their monopoly position to gain advantage in other areas, and, moreover, a flagrantly unrepentant stance on all their previous actions, deemed illegal in the courts. Implementing a solution which is simply expeditious, but has no true or lasting effect, will mean that Microsoft will continue to use their dominance in computer operating systems to extend their dominance into new areas.

In addition the to deleterious effect of allowing Microsoft to continue stifling innovation, this settlement seems to say that a company can engage persistently in patently illegal behavior, if it is big enough, rich enough, and important enough. This is not the kind of foundation we want to lay for future businesses— particularly in the vital area of information technology.

Matthew Eernisse

Houston, Texas

MTC–00020156

From: Eric Howland—Mozilla
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I feel that the open letter composed by Dan Kegel (http://www.kegel.com/remedy/letter.html) does a good job of describing some of the problems with the settlement.

As a programmer, I am particularly concerned about the ability of software produced by other companies to interact with the Microsoft's operating systems (not just the ones listed in definition U but all Microsoft operating systems). I am also concerned that the restrictions against competing products that Microsoft has included in their licenses and the punitive behavior that Microsoft has displayed toward companies selling computers using competing operating systems are not stopped.

These would seem to be the heart of any settlement of an antitrust case. As a programmer I would encourage that in addition to the cessation of the above mentioned monopoly behavior that Microsoft be required to publish all API's (including those for their application software) and file formats (which are needed for creating interoperative programs).

Sincerely,

Eric Howland

MTC–00020157

From: Scott Morningstar
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I feel that the proposed settlement is seriously flawed on a number of grounds, including the fact that Microsoft discriminates against ISVs who ship Open Source applications. The proposed settlement does not address this problem. To demonstrate my point, read the Microsoft Windows Media Encoder 7.1 SDK EULA, which states: ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications.

This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

Please take this into consideration when finalizing the settlement.

Sincerely,
Scott Morningstar
Information Systems Manager
Weaver Street Market
101a E Weaver Street
Carrboro, NC 27510

MTC–00020158

From: GA
To: Microsoft ATR
Date: 1/24/02 1:40am
Subject: Microsoft Settlement

MTC–00020158—0001 ??le:///C√/win/temp/tmp.

Dear Sirs,

After having read a bit about the anti-trust case against Microsoft I am dismayed that they are getting off so lightly.

The have proven to be anti-competative and a remedy that prevents them from throwing their mussle around is needed.

Please read the three articles in the links below that suggest where the deficiencies and loopholes in the proposed settlement exist.

This group is a well informed and industry respected worldwide. http://www.theregister.co.uk/content/archive/22684.html http://www.theregister.co.uk/content/archive/22647.html http://www.theregister.co.uk/content/archive/22711.html

Microsoft produce good enough products to be able to play fairly and compete with the rest of the world. They shouldn't be allowed to squash and kill off competition.

Regards,
George
00020158—0002
of 1
01/29/2002 9:30

MTC–00020159

From: Brezley@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:40am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Gilbertson
26395 Waterford Circle
Lake Forest, CA 92630–6515

MTC–00020160

From: James M. Frisby
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

To Whom It May Concern:

As a professional software developer and a concerned citizen, I wish to state my opposition to the Revised Proposed Final Judgement (RPFJ) in the Microsoft anti-trust case. While I believe it has several deficiencies, one I find particularly disconcerting is within the ''multi-boot'' provisions (RPFJ, III(A)(2) and III(C)(4)). Certainly, I applaud the efforts of the Department of Justice to craft these provisions, since allowing multi-boot machines would help to restore competition in the operating system (OS) market. I nevertheless believe they suffer from a fatal flaw (and possibly two) which will render them toothless.

The multi-boot provisions state only that Microsoft must not ''retaliate against'' OEMs who wish to sell a multi-boot system; or contractually prohibit an OEM from selling a multi-boot system. There is no provision forbidding Microsoft from altering its OS in such a way that it can detect and disable non-Microsoft OSes, or to disable itself until either the OEM or the user removes any non-Microsoft OSes.* Given the District Court's findings and conclusions that Microsoft has created such deliberate technical incompatibilities in the past (Findings of Fact, VI(A); Conclusions of Law, I(A)(2)(b)), any settlement which does not prohibit such means of subverting competition necessarily fails to secure for the public a choice in OSes.

Also, on December 11, 2001, Microsoft was granted U.S. Patent number 6,300,670, for a ''Digital Rights Management Operating System'' (DRMOS). Any PC created by an OEM which implements this patent** will, by design, refuse to boot an OS that is not a DRMOS. Since Microsoft holds this patent, it will be in the position of deciding which non-Microsoft OSes it will permit to multi-boot on a PC implementing DRMOS.

While I realize there is a provision requiring Microsoft to license intellectual property on ''reasonable and non-discriminatory'' terms (RPFJ, III(I)(1)), there is also an explicit exemption with regard to DRM (RPFJ, III(J)(1) (and possibly III(J)(2); ''anti-piracy systems'' and ''license enforcement mechanisms'' might be construed to mean the same thing as ''digital rights management'')). Since the DRMOS patent was not awarded until over a month after the RPFJ was submitted to the Court, it seems reasonable that these provisions should be, at a minimum, re-examined to determine the effect of the patent upon them.

For the foregoing reasons, I request that the Revised Proposed Final Judgement be withdrawn by the Department of Justice; or failing that, rejected by the Court.

Sincerely,
James M. Frisby
5615 Beverly Hills Dr. Apt. C
Columbus, OH 43213

* From a technical perspective, doing this would require either that Microsoft's OS is installed after the non-Microsoft OS; or failing that, that the Microsoft OS is booted at least once. Currently, Microsoft's OSes already ''hide'' access to alternative OSes in the former case (by over-writing any pre-existing boot-loader). In the latter, Microsoft is free to contractually oblige the OEM to make its OS the ''default'' OS on any multi-boot system, virtually guaranteeing that it will boot at least once. Further, it is my lay opinion that RPFJ III(H)(3) will not prevent this behavior since it only covers OEMs'' rights in III(C) (and not III(A)), and even then, only refers to ''icons, shortcuts or menu

entries'', not boot-loaders. ** In the wake of Napster, there is ample evidence of growing pressure on OEMs to do just this from the private sector (in the form of the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA)), as well as the public sector. In the former case, the MPAA and RIAA are looking to DVD and DVD-Audio, respectively, as a means of implementing hardware-based DRM, and are actively exploring software-based solutions. Some members of the RIAA have gone so far as to alter their compact discs in such a way that PCs can no longer play them. Since this devalues a PC for some users, it sends a clear signal to OEMs that DRM should become standard on all PCs.

On the public side, there is draft legislation in the Senate that would essentially mandate DRM in all consumer electronic devices. While draft legislation is a far cry from the full force of law, it sends a signal to the private sector that DRM is a topic of increasing importance within Congress, and not to be taken lightly. (Yes, hearings on the ''Security Systems Standards and Certifications Act'' (SSSCA) were indefinitely postponed after the events of September 11, 2001, but relatively mundane issues such as copyright infringement will eventually get Congress'' attention again.)

MTC–00020161

From: vcagroup@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vincent Crisci
222 Cibolo Branch
Boerne, TX 78006–3205

MTC–00020162

From: markroberg@iname.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mark Roberg
1219 Canyon View Drive
La Verne, CA 91750

MTC–00020163

From: Gene Choy
To: Microsoft ATR
Date: 1/24/02 1:48am
Subject: Microsoft Settlement

Sir,

The settlement is a bad deal for US consumers and enterprises for it limits innovation and increase security risks for lack of diversity in IT solution.

Gene

MTC–00020164

From: jbaker1844@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Baker
7944 Timber Horn Ct
Las Vegas, NV 89147

MTC–00020165

From: Steve Fink
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft settlement

Microsoft's presence has an absolutely chilling effect on innovation in the computer industry. No startup's business plan is complete without a section on ''what if we're actually successful enough that Microsoft notices and squashes us like a bug?'' Today, only the largest companies can afford to take any speculative steps towards areas covered by Microsoft's monopoly, because anybody smaller simply cannot afford the risk. This is not simply fair competition; if it were fair competition, a company with a superior product could have a clear chance to gain significant market share. As it is, a company must be careful not to be too superior too soon. The source of Microsoft's threat is not the quality of its products, but the influence it exerts due to its near-total ownership of many aspects of computing.

The proposed settlement is clearly insufficient to remedy this situation. The settlement forbids some, but not all, of the —existing— practices that Microsoft engages in. Once Microsoft is barred from those, it will quite naturally intensify the remaining monopolistic practices and develop others in areas that the settlement does not cover. In effect, Microsoft's claim of massive innovation will at last be realized!

The whole settlement seems too flawed for me to go through piece by piece to discuss why I disagree with it, but consider for example its attempt to allow companies to develop products that interoperate with Microsoft's OS and middleware platforms. Microsoft still has the ability to change document formats, fail to adequately document the new or existing formats, and can easily change protocols or APIs without notifying ISVs until too late.

Fundamentally, I believe the situation needs to be looked at from an entrepreneur's point of view. The entrepreneur has an idea for a superior product that is similar to something Microsoft sells. Today, he'd have to be utterly insane to risk his time and money in pursuing his idea. If this settlement is accepted, he will only need to be irrational. A quantitative improvement, but not a qualitative one— the conclusion for a rational person is the same.

—Steve Fink, a concerned computer professional

MTC–00020166

From: John Murphy
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

I am writing to express my hopes that the court will reject the proposed settlement in Microsoft's current anti-trust case. I believe that the nature of Microsoft's management will make it difficult for any in-company overseer to do his job properly and without the appearance of a conflict of interest.

But my chief concern is that Microsoft's current software offerings, chiefly WindowsXP, are themselves extremely questionable considering what has been found in court about Microsoft's anti-competitive behavior. In short, I believe that Microsoft's current behavior is not addressed by the settlement and that unless the settlement is modified, it will only lead to further anti-trust litigation.

There is also the matter that as far as I can tell, Microsoft is being allowed to keep the fruits of its unlawful conduct. Without court-ordered access to Microsoft's sales records, OEMs who may have a legitimate right to sue Microsoft over its pricing practices will not have the grounds to do so. Further, I don't believe that the settlement effectively addresses the potential of retaliation by Microsoft against these OEMs.

These and other concerns prompt me to ask that the court please reject the proposed settlement.

John P. Murphy, BSEE, BSCpE
Westfield, MA

MTC–00020167

From: Dixie Flatline
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

Hello,

I must add my voice and agree that this settlement is a bad idea. Can we say ''Mother of Enron''?

Best regards,
Dixie mailto:hosaca@earthlink.net

MTC–00020168

From: Josh Koenig
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft Settlement

I find the DOJ's proposed final settlement on the Microsoft matter a step in the right direction, but lacking in many key areas. I am writing as provided under the Tunny act that you might consider my opinion as one computer-using citizen of these United States of America. The DOJ's proposed final resolution should include specific measures which insure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. This will allow non-Microsoft programmers to write alternative middleware for other operating systems that will operate Windows-based applications. An example of this is WINE for Linux.

By not providing some protection for software vendors engaged in making Windows-compatible operating systems, the DOJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market.

Additionally, file-formats (e.g. Microsoft Word) should be publicly documented so to allow easier exchanging of documents and content between platforms. This is one measure that can only serve to help the end user by allowing more applications to interoperate on the same documents.

A host of other helpful and pro-competition suggestions can be found at the following URL: http://www.kegel.com/remedy/remedy2.html

cheers
-josh

I love America, and I mean that in the fullest possible sense. This country is grounded in participatory democracy. Citizens must educate and involve themselves in the affairs of government. Be a citizen, not just a consumer.

MTC–00020169

From: kevin morgan
To: Microsoft ATR
Date: 1/24/02 1:43am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Kevin Morgan
1395 Saratoga Ave, #14
San Jose, CA 95129

MTC–00020170

From: WMLFerk@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Lynn Ferkaluk
8534 Blue Ridge Avenue
Hickory Hills, IL 60457–1059

MTC–00020171

From: azmesakid@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Mowrey
102 S 18th Street
Clear Lake, IA 50428

MTC–00020172

From: Julius T. Abadilla
To: Microsoft ATR
Date: 1/24/02 1:51am
Subject: Microsoft settlement

Gentlemen:

It is an ideal objective in an ideal world to be able to control all the ''giants'' in the industry, thus the ruling that Microsoft was a monopolist and has broken the law. That ruling, I believe, was intended to rein in Microsoft. However, that same ruling did produce an unintended result, i.e., it opened up a lot of grounds for uncalled for lawsuits. As I have always stated, there should be a clear signpost on when a developing company has passed the stage wherein they are not anymore considered a developing company. Then, apply the rules of anti-competitive ruling to the fullest extent of the law. This is for control purposes, as far as the State is concerned. Without this clear ''signpost'', we will always be penalizing highly successful companies, like Microsoft, when we deem them to be too successful to be feared. This method being applied to Microsoft now will only hurt all of us further. What we should be doing instead is setting up a clear groundwork for technological development, encouraging and rewarding market leadership and promoting healthy competition. I fear that if this is not resolved quickly, no company now will dare to become too successful for fear of being the next Microsoft, in terms of litigation.

Hope we can undo some of the harm already done.

Thank you,
Julius T. Abadilla

MTC–00020173

From: Dale Siemer
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

To Whom it May Concern:

If you in your usual ignorance insist on punishing one the premier business ventures in the nation, whatever monies you elect to fleese from Microsoft should be dispursed to those of us who have spent our hard-earned money acquiring their products! It was this ''witch-hunt'' that started the depression we are all now trying to endure.

Wake up and smell the coffee, show some sign of intellegence.....

Dale Siemer
PO Box 96
Lewistown, MT 59457–0096Get more from the Web. FREE MSN Explorer download :

MTC–00020174

From: David Benfell
To: Microsoft ATR
Date: 1/24/02 1:51am
Subject: Microsoft Settlement

Hello,

I oppose the proposed settlement with Microsoft.

David Benfell

MTC–00020175

From: Derek Pluchinski
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

Microsoft should not be allowed to continue to proliferate it's products at the expense of competitors. It seems that every PC comes with Windows pre-installed and Windows comes with pre-installed software such as Microsoft's Web browser Internet Explorer. This has put a huge dent in Netscape's market share of the Communicator web browser.

And then recently, I read about a recent court decision that ordered Microsoft to give hundreds of millions of dollars of free software to certain financially strapped

schools. That would not be a penalty at all. It was an golden opportunity for Microsoft to further entrench itself in the school system at the expense of Apple Computer and their Macintosh platform. In that case, Microsoft should give money to these schools to buy software and hardware from whomever they choose, giving Apple computer a chance.

Thank you for your consideration of my comments.

Sincerely,

Derek Pluchinski

MTC–00020176

From: brandon donahue
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

I find Microsoft's proposed settlement of its pending civil suits absurd. In response to claims of being a monopoly and maintaining a stranglehold on the operating system, web browser, and office suite markets Microsoft suggests that it could make amends by providing schools with its products. Microsoft wants to respond to monopoly claims by flooding the market and targeting children with its products. One cannot possibly correct a wrong by perpetuating it. And yet this is what Microsoft has suggested. This defies all logic. I am utterly opposed to this settlement.

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MTC–00020177

From: rdscott@indiana.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

I'm a disgruntled pc user who has found it increasingly problematic and frustrating to use Microsoft products, including its popular windows operating system and web browser. Furthermore, I've found the problems especially troubling because I'm aware of the alternatives that do exist, but which are difficult to purchase on new pc systems. This is a direct result I believe, of the monopoly power that microsoft has in the industry. I feel the actions of Microsoft continue, perhaps even at an accelerated pace, to reduce the quality and quantity of choices for pc users. Clearly, the settlement for the crimes committed by Microsoft is not enough. I would favor a much more aggressive discipline of the company. As it stands now, the settlement amounts to little more than a slap on the wrist, and judging from Microsoft's behavior since the end of the trial, it's actually made things worse for consumers. Thank-you.

Ryan Scott
Bloomington, IN